

9-24-84
Vol. 49 No. 186
Pages 37369-37554

Selected Subjects

Monday
September 24, 1984

465-624
G.S.A.

Selected Subjects

Air Pollution Control

Environmental Protection Agency

Anchorage Grounds

Coast Guard

Education

Defense Department

Veterans Administration

Foreign Trade

Census Bureau

Hazardous Materials Transportation

Research and Special Programs Administration

Hazardous Waste

Environmental Protection Agency

Hunting

Fish and Wildlife Service

Marketing Agreements

Agricultural Marketing Service

Milk Marketing Orders

Agricultural Marketing Service

Natural Gas

Federal Energy Regulatory Commission

Organization and Functions (Government Agencies)

Immigration and Naturalization Service

Postal Service

Postal Service

CONTINUED INSIDE



FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for \$300.00 per year, or \$150.00 for 6 months, payable in advance. The charge for individual copies is \$1.50 for each issue, or \$1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Selected Subjects

Radio

Federal Communications Commission

Railroads

Interstate Commerce Commission

Stockyards

Packers and Stockyards Administration

Surface Mining

Surface Mining Reclamation and Enforcement Office

Wine

Alcohol, Tobacco and Firearms Bureau

Contents

Federal Register

Vol. 49, No. 186

Monday, September 24, 1984

Agricultural Marketing Service

RULES

- 37369 Milk marketing orders:
Nebraska-Western Iowa

PROPOSED RULES

- 37424 Raisins produced from grapes grown in California

Agriculture Department

See also Agricultural Marketing Service; Federal Grain Inspection Service; Forest Service; Packers and Stockyards Administration.

NOTICES

Meetings:

- 37440 Plant Genetic Resources National Board

Alcohol, Tobacco and Firearms Bureau

RULES

- 37510 Alcoholic beverages:
Wine, juice, and distilling materials; materials and processes for production and treatment

PROPOSED RULES

- 37527 Alcoholic beverages:
Wine, juice, and distilling materials; materials and processes for production and treatment

Census Bureau

PROPOSED RULES

- 37425 Foreign trade statistics; Shipper's Export Declarations; shipments to Northern Mariana Islands, filing requirement elimination, etc.

Child Support Enforcement Office

NOTICES

Grants; availability, etc.:

- 37471 Research and demonstration projects

Civil Aeronautics Board

NOTICES

- 37508 Meetings; Sunshine Act

Coast Guard

RULES

- 37381 Drawbridge operations; navigable waterways of U.S.; reorganization; correction
Merchant vessels:
37384 Subdivision and stability regulations; correction
Ports and waterways safety:
37382 Upper Cape Fear River, NC; safety zone

PROPOSED RULES

- 37427 Anchorage regulations:
Utah

Commerce Department

See Census Bureau; National Oceanic and Atmospheric Administration.

Customs Service

NOTICES

- 37506 Tariff reclassification petitions, etc.:
Vehicle known as "Unimog"
Trade name recordation applications:
37507 Acme Premium Supply Corp.

Defense Department

RULES

Veterans:

- 37383 Post-Vietnam era veterans educational assistance program; program change

Education Department

NOTICES

Grants; availability, etc.:

- 37442 Indian education discretionary grant programs

Energy Department

See Federal Energy Regulatory Commission.

Environmental Protection Agency

RULES

Air pollution; standards of performance for new stationary sources:

- 37384 Inorganic lead; reference method revision; correction

PROPOSED RULES

- Air pollution; standards of performance for new stationary sources:
37548 Automobile and light-duty truck surface coating operations; innovative technology waivers
Air quality implementation plans; approval and promulgation; various States:
37429 California
37427 Nebraska
Air quality implementation plans; preparation, adoption and submittal:
37542 Dispersion techniques (intermittent control systems) implemented before enactment of Clean Air Act Amendments of 1970; determination criteria

- Air quality planning purposes; designation of areas:
37431 Indiana

- Hazardous waste program authorizations:

- 37432 Oklahoma

NOTICES

Air quality; prevention of significant deterioration (PSD), etc.:

- 37461 Actions taken (Iowa/Kansas/Missouri/Nebraska)

Environmental statements; availability, etc.:

- 37462 Mobile incineration system demonstration project

Toxic and hazardous substances control:

- 37461 Premanufacture exemption approvals
37458, 37460 Premanufacture notices receipts (2 documents)

Federal Aviation Administration

RULES

- 37375 Terminal control areas; correction

Federal Communications Commission

RULES

Practice and procedure:

- 37384 Private radio services; application treatment, etc.; correction

PROPOSED RULES**Common carrier services:**

- 37434 Communications Satellite Corp.; corporate structure and operations changes; financial reporting; correction
- 37434 MTS and WATS market structure; State commission access tariffs (St. Louis Resolution)

Radio stations; table of assignments:

- 37437 Vermont and New York; extension of time

NOTICES**Hearings, etc.:**

- 37464 Retherford Publications, Inc., et al.
- 37464 Radio services, special:
- Specialized mobile radio systems applications; random selection lottery procedures in Chicago, Dallas, and Houston areas

Federal Deposit Insurance Corporation**NOTICES**

- 37468 Agency information collection activities under OMB review

Federal Energy Regulatory Commission**RULES****Natural Gas Policy Act; ceiling prices for high cost natural gas produced from tight formations; various States:**

- 37375, New Mexico (2 documents)
- 37378

NOTICES**Hearings, etc.:**

- 37446 Carolina Cogeneration Co., Inc.
- 37447 Centel Corp.
- 37447 Central Hudson Gas & Electric Corp.
- 37447 Central Illinois Public Service Co.
- 37447 Central Louisiana Electric Co., Inc.
- 37448 Cole, Charles W., Jr.
- 37448 Columbia Gas Transmission Corp.
- 37448 Connecticut Light & Power Co.
- 37449 Cranberry Pipeline Corp. et al.
- 37449 Florida Power & Light Co.
- 37450 Green Mountain Power Corp.
- 37450 Holyoke Water Power Co. et al.
- 37452 Kentucky Utilities Co.
- 37452 Mobil Oil Corp. et al.
- 37452 Mountain Fuel Resources, Inc.
- 37453 North Carolina Electric Membership Corp.
- 37453 Northern Natural Gas Co.
- 37453 Pacific Gas & Electric Co.
- 37457 Shell Oil Co. et al. (Indicated Producers)
- 37454 Transcontinental Gas Pipe Line Corp.
- 37454 Washington Gas Light Co.
- 37455 Washington Water Power Co.
- 37455 West Slope Power Co. et al.
- Natural gas companies:
- 37456 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend (Cabot Corp. et al.)
- Natural Gas Policy Act:
- 37455 OCS leases; blanket determinations
- Small power production and cogeneration facilities; qualifying status; certification applications, etc.:
- 37455 General Electric Co.

Federal Grain Inspection Service**RULES****Grain standards:**

- 37369 Corn, sorghum, and soybeans; correction

Federal Maritime Commission**NOTICES****Freight forwarders; portwide exemptions rescinded:**

- 37468 Pensacola, Port Everglades, and Tampa, FL
- 37468 Seaport, ME; and Morehead City and Wilmington, NC

Federal Mine Safety and Health Review Commission**NOTICES**

- 37508 Meetings; Sunshine Act

Federal Reserve System**NOTICES****Bank holding company applications, etc.:**

- 37469 Bank of Delaware Corp.
- 37469 Barclays Bank PLC et al.
- 37469 Pikeville National Corp. et al.
- 37470 Woodstock Holding Co., Inc., et al.
- 37508 Meetings; Sunshine Act

Fine Arts Commission**NOTICES**

- 37470 Meetings

Fish and Wildlife Service**RULES****Migratory bird hunting:**

- 37387 Seasons, limits, and shooting hours; establishment, etc.

NOTICES**Environmental statements; availability, etc.:**

- 37478 Southern sea otters off Pacific Coast; translocation; meeting

Food and Drug Administration**RULES****Radiological health:**

- 37380 Diagnostic x ray systems; computed tomography x ray (CT) systems; performance standards; correction

NOTICES**Animal Welfare Issues Agency Steering Committee; final report availability**

- 37473 Meetings:
- 37472 Advisory committees, panels, etc.

Forest Service**NOTICES**

- 37440 Mineral leasing; interagency agreement with BLM

General Services Administration**NOTICES****Meetings:**

- 37471 Advisory Board

Health and Human Services Department

See Child Support Enforcement Office; Food and Drug Administration; Health Resources and Services Administration.

Health Resources and Services Administration**NOTICES****Indian health service:**

- 37474 Qualification standards for Indians in excepted service; review plan

Immigration and Naturalization Service**RULES**

Organization, functions, and authority delegations:
 37370 Adjudications Division; title change

Interior Department

See Fish and Wildlife Service; Land Management Bureau; Minerals Management Service; National Park Service; Surface Mining Reclamation and Enforcement Office.

Interstate Commerce Commission**RULES**

Rail carriers:

- 37385 Reasonably expected costs; surcharge determination

NOTICES

Agreements under sections 5 a and b, applications for approval, etc.:

- 37480 U.S. Clay Producers Traffic Association, Inc.

Rail carriers:

- 37481 Cost recovery procedures; adjustment factor
 Railroad operation, acquisition, construction, etc.:
 37481 Cedar Valley Railroad Co.

Justice Department

See Immigration and Naturalization Service.

Land Management Bureau**NOTICES**

Environmental statements; availability, etc.:
 37477 Southern Lincoln and Northeastern Clark
 Counties wilderness study areas, NV

- 37440 Mineral leasing; interagency agreement with Forest Service

Legal Services Corporation**NOTICES**

- 37508 Meetings; Sunshine Act

Minerals Management Service**NOTICES**

Environmental statements; availability, etc.:

- 37532 Diapir Field, AK, OCS oil and gas lease sale

Meetings:

- 37479 Outer Continental Shelf Advisory Board
 Outer Continental Shelf; development operations
 coordination:

- 37479 ARCO Oil & Gas Co.
 37479 Samedan Oil Corp.

National Highway Traffic Safety Administration**NOTICES**

Motor vehicle safety standards; exemption petitions, etc.:

- 37500 U-Haul International

National Oceanic and Atmospheric Administration**RULES**

Fishery products, processed:

- 37423 North American freshwater catfish and products;
 grade standards; interim; correction

NOTICES

Meetings:

- 37442 Sea Grant Review Panel

National Park Service**NOTICES**

Concession contract negotiations:

- 37480 Fred Harvey
 Environmental statements; availability, etc.:
 37480 Padre Island National Seashore, Kelberg County,
 Texas
 Meetings:
 37480 National Capital Region; 1984 Christmas Pageant
 of Peace

National Science Foundation**NOTICES**

Meetings:

- 37483 Earth Science Proposal Review Panel
 37482 Metabolic Biology Advisory Panel
 37482 Population Biology and Physiological Ecology
 Advisory Panel

Nuclear Regulatory Commission**NOTICES**

Applications, etc.:

- 37484 University of California, Los Angeles
 37485 University of Pennsylvania
 Environmental statements; availability, etc.:
 37483 Sacramento Municipal Utility District
 37484 Southern California Edison Co. et al.

Packers and Stockyards Administration**RULES**

- 37371 Weighing practices and stockyard services, etc.;
 regulations and policy statements

Postal Service**RULES**

International Mail Manual:

- 37383 Norway; Express Mail Service

NOTICES

- 37488 Privacy Act; systems of records
 37487, Privacy Act; systems of records and computer
 37488 matching program (2 documents)

Research and Special Programs Administration**PROPOSED RULES**

Hazardous materials:

- 37438 Magnetized material; transportation aboard
 aircraft

NOTICES

Hazardous materials:

- 37501 Applications; exemptions, renewals, etc.

Securities and Exchange Commission**NOTICES**

Hearings, etc.:

- 37491 American Balanced Fund, Inc., et al.
 37495 CIGNA Annuity Fund, Inc.
 37492 Europacific Growth Fund
 37493 Guild Finance Corp.
 37496 Hutton Investment Partnership I
 37497 Massachusetts Fund et al.
 37499 Safeco Tax-Free Money Market Fund, Inc.
 Self-regulatory organizations; proposed rule
 changes:
 37490 Municipal Securities Rulemaking Board
 37494 National Association of Securities Dealers, Inc.

Surface Mining Reclamation and Enforcement Office**PROPOSED RULES**

- 37426 Permanent program submission; various States:
Colorado

Transportation Department

See also Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration.

Treasury Department

See Alcohol, Tobacco and Firearms Bureau; Customs Service.

United States Information Agency**NOTICES**

- 37507 Art objects, importation for exhibition:
Asante: Kingdom of Gold

Veterans Administration**RULES**

- 37383 Vocational rehabilitation and education:
Post-Vietnam era veterans educational assistance program; program change

Separate Parts in This Issue**Part II**

- 37510 Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms

Part III

- 37532 Department of the Interior, Minerals Management Service

Part IV

- 37542 Environmental Protection Agency

Part V

- 37548 Environmental Protection Agency
-

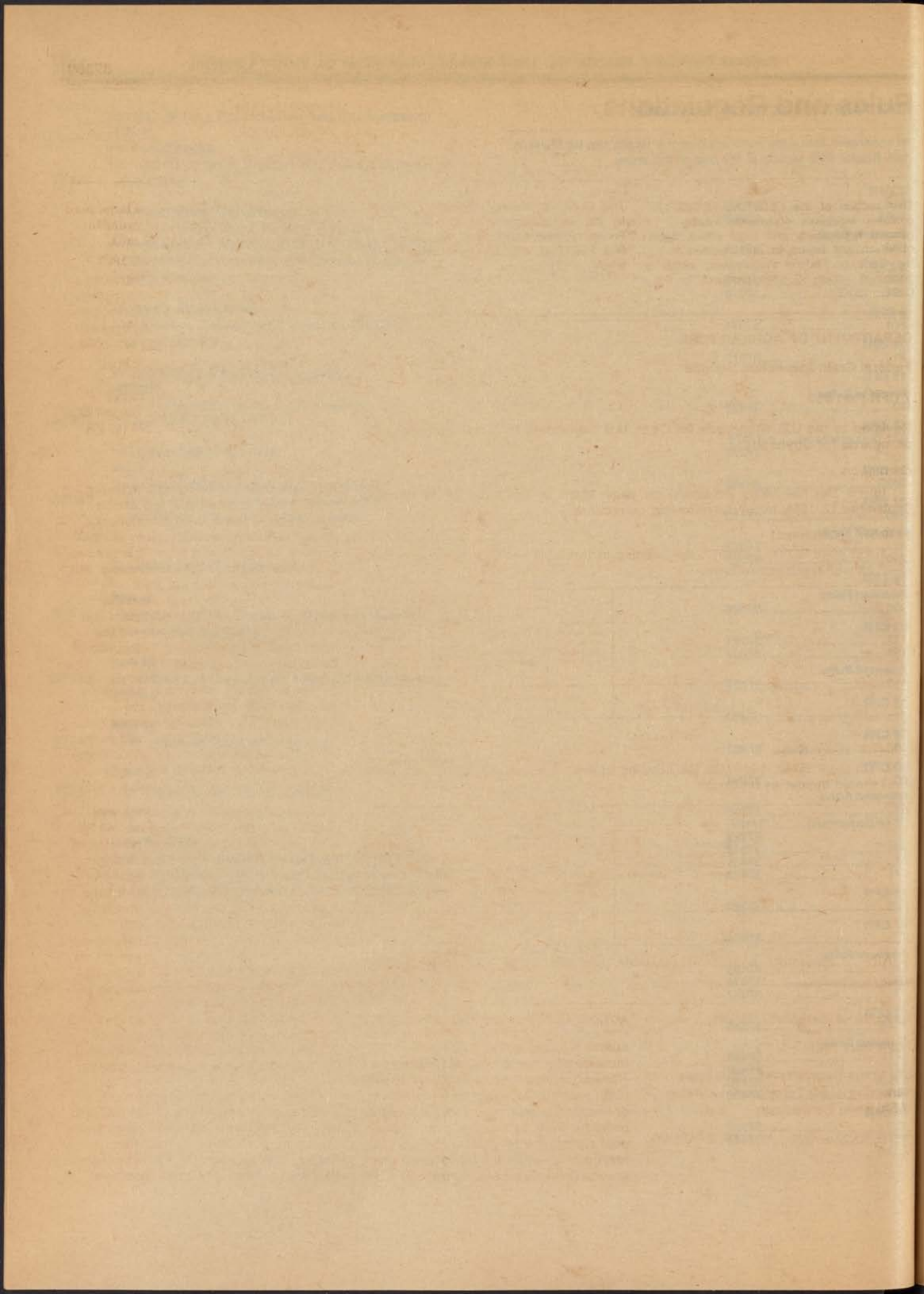
Reader Aids

Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR	
810.....	37369
1065.....	37369
Proposed Rules:	
989.....	37424
8 CFR	
100.....	37370
103.....	37370
9 CFR	
201.....	37371
14 CFR	
71.....	37375
15 CFR	
Proposed Rules:	
30.....	37425
18 CFR	
271 (2 documents).....	37375, 37378
21 CFR	
1020.....	37380
27 CFR	
240.....	37510
Proposed Rules:	
4.....	37527
240.....	37527
30 CFR	
Proposed Rules:	
906.....	37426
33 CFR	
117.....	37381
165.....	37382
Proposed Rules:	
110.....	37427
38 CFR	
21.....	37383
39 CFR	
10.....	37383
40 CFR	
60.....	37384
Proposed Rules:	
51.....	37542
52 (2 documents).....	37427, 37429
60.....	37548
81.....	37431
271.....	37432
46 CFR	
170.....	37384
47 CFR	
1.....	37384
Proposed Rules:	
Ch. I.....	37434
67.....	37434
73.....	37437
49 CFR	
1140.....	37385
Proposed Rules:	
171.....	37438
172.....	37438
173.....	37438
175.....	37438
50 CFR	
20.....	37387
267.....	37423



Rules and Regulations

Federal Register

Vol. 49, No. 186

Monday, September 24, 1984

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 810

Revision to the U.S. Standards for Corn, U.S. Standards for Sorghum, and U.S. Standards for Soybeans

Correction

In FR Doc. 84-24082 beginning on page 35743 in the issue of Wednesday, September 12, 1984, make the following corrections:

§ 810.557 [Corrected]

1. On page 35744, § 810.557, the heading in the table reading "Maximum limits of—" should appear as follows:

Grade	Minimum test weight per bushel (pounds)	Maximum limits of—		
		Damaged kernels		Broken kernels, foreign material, and other grains (percent)
		Total (percent)	Heat damaged (percent)	

§ 810.603 [Corrected]

2. On page 35745, § 810.603, the heading in the table reading "Maximum limits of—" should appear as follows:

Grade	Minimum test weight per bushel (pounds)	Splits (percent)	Maximum limits of—			
			Damaged kernels		Foreign material (percent)	Brown, black, and/or bicolored soybeans in yellow or green soybeans (percent)
			Total (percent)	Heat damaged (percent)		

Also in the fourth column of the table, first entry, "20" should read "2.0".

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 1065

Milk in the Nebraska-Western Iowa Marketing Area; Temporary Revision of Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rules.

SUMMARY: This action temporarily increases for the months of October and November 1984 the percentage of supply plant receipts that must be transferred or diverted to pool distributing plants in order for the supply plant to maintain pool status. The revision is made in response to requests by a cooperative association representing producers

supplying the market and by a large pool distributing plant operator in order to assure an adequate supply of milk.

EFFECTIVE DATE: September 24, 1984.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Proposed Temporary Revision of Shipping Percentages: Issued August 27, 1984; published August 30, 1984 (49 FR 34366).

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. Such action will provide greater assurance that fluid milk processors will have adequate supplies of milk delivered to their plants to meet the fluid milk needs of their customers and ensure that dairy farmers receive the benefits of having their milk disposed of in the higher-valued uses.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) and the provisions of § 1065.7(b)(3) of the Nebraska-Western Iowa milk order.

Notice of proposed rulemaking was published in the *Federal Register* (49 FR 34366) concerning a proposed revision of the percentage of supply plant receipts that must be transferred or diverted to pool distributing plants in order for the supply plant to maintain pool status for the months of September through November 1984. Interested parties were afforded the opportunity to comment on the proposal by submitting written data, views, and arguments. No comments in opposition to the higher shipping standards for the months of October and November were received. Associated Milk Producers, Inc., opposed the higher standard for the month of September.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views and arguments filed thereon, and other available information, it is hereby found and determined that for the months of

October and November 1984 the supply plant shipping percentages set forth in § 1065.7(b) should be increased from the present 40 percent to 50 percent. The temporary revision should not apply during September 1984 because of the limited time that supply plant operators would have available in which to make the increased shipments. As noted by one commentor, a supply plant operator would need to increase plant shipments by 20 percentage points during the last half of September to meet the proposed monthly increase of 10 percentage points.

Pursuant to the provisions of § 1065.7(b)(3), the supply plant shipping percentages set forth in § 1065.7(b) may be increased or decreased by up to 20 percentage points during any month to encourage additional milk shipments needed to assure an adequate supply of milk to fluid milk handlers, or to prevent uneconomic shipments merely for the purpose of assuring that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Mid-America Dairymen, Inc. (Mid-Am), a cooperative association which represents a large proportion of the producers supplying the Nebraska-Western Iowa market, and Wells Dairy, Inc., a handler who operates distributing plants pooled under the order, requested that the percentage of supply plant receipts that must be transferred or diverted to pool distributing plants in order for the supply plant to be pooled be increased temporarily from 40 to 50 percent. The proponents of the temporary revision cite declining milk production and increasing Class I disposition in the Nebraska-Western Iowa marketing area. Also, the National Farmers Organization and Gillette Dairy submitted comments in support of the temporary revision.

Mid-Am stated that producer milk pooled under the Nebraska-Western Iowa order during the first seven months of 1984 has decreased by nearly 11 percent from one year ago. According to the cooperative, milk production has declined because of lower prices to producers, higher milk production costs, and the Milk Diversion Program. Mid-Am cited a Cornell University extension report that 30.6 percent of the commercial dairy farmers in Iowa, and 42.3 percent in Nebraska, are participating in the Milk Diversion Program, under which dairy farmers are

paid for reducing milk production. At the same time, the cooperative pointed out, the price support level for dairy products has been reduced 50 cents per hundredweight, resulting in uniform prices paid to producers for January-July 1984 that averaged 27 cents lower than uniform prices for the same period of 1983. Mid-Am stated that costs of producing milk have risen over the same period, producing a cost-price squeeze in net dairy farmer income, which is likely to continue and even accelerate the downward trend in milk production.

The cooperative stated that the National Advertising and Promotion Program and the improved economy likely will result in a continuing improvement in Class I sales for the remaining months of 1984. Both Mid-Am and Wells Dairy stated that increased supply plant shipping requirement will assure a continued adequate milk supply for distributing plants in the Nebraska-Western Iowa market. The cooperative pointed out that such a temporary increase will equalize the performance standards for supply plants qualifying for pooling pursuant to § 1065.7(b) with those pooled pursuant to § 1065.7(c).

Producer milk pooled under the Nebraska-Western Iowa order during January-July 1984 has declined from year-earlier levels, with a range by month of 5.1 percent in January to 15.4 percent in June below the same month in the previous year. Meanwhile, Class I disposition in the market during the same period had shown increases for each month ranging from 5.2 percent in July to 13.6 percent in March over year-earlier levels. Under the present supply-demand conditions, it is concluded that a revision of the supply plant shipping requirements by 10 percentage points for the months of October and November 1984 is necessary to assure an adequate supply of milk for fluid use.

It is hereby found and determined that thirty days' notice of the effective date is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions, to maintain orderly marketing in the marketing area, and to assure an adequate supply of milk to fluid milk handlers for the months of October and November 1984;

(b) This temporary revision does not require of persons affected substantial

or extensive preparation prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the months of October and November 1984.

List of Subjects in 7 CFR Part 1065

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, that the 40 percent pool supply plant shipping percentage requirement in § 1065.7(b) of the order is hereby increased to 50 percent for the months of October and November 1984.

(Sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: September 24, 1984.

Signed at Washington, D.C., on September 18, 1984.

Edward T. Coughlin,
Director, Dairy Division.

[FR Doc. 84-25213 Filed 9-21-84; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 100 and 103

Miscellaneous Amendments

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule makes technical amendments to 8 CFR without changing the substance of the affected provisions by changing the organizational title of the Adjudications and Naturalization Division to Adjudications Division. This change is being made since naturalization is simply one type of adjudication.

EFFECTIVE DATE: September 24, 1984.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: On March 30, 1983, at 48 FR 13146, the Service published the reorganization of its Central and Regional Offices that reflected one division under the Office of Examinations to have the organizational title of Adjudications and Naturalization. Since naturalization is simply one type of adjudication, that title has since been changed to Adjudications.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is not required as this rule deals solely with agency management and organization.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant impact on a substantial number of small entities. This document is not a rule as defined in section 1(a) of E.O. 12291 as it deals with agency management and organization.

List of Subjects in 8 CFR Parts 100 and 103

Administrative practice and procedure, Authority delegation, Jurisdiction, Organization and functions (government agencies).

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 100—STATEMENT OF ORGANIZATION

1. In § 100.2, paragraph (c)(3)(i) is revised to read:

§ 100.2 Organizations and functions.

- (c) * * *
- (3) * * *
- (i) Adjudications Division,

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. In § 103.1, paragraph (f)(1)(i) is revised to read as follows:

- (f) * * *
- (1) * * *
- (i) Assistant Commissioner for Adjudications.

(Sec. 103 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103))

Dated: September 14, 1984.

Harriet B. Marple,
*Acting Associate Commissioner,
Examinations, Immigration and
Naturalization Service.*

[FR Doc. 84-25118 Filed 9-21-84; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

9 CFR Part 201

Regulations and Policy Statements

AGENCY: Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: This document revises and consolidates the regulations concerning weighing practices, scale testing procedures, disclosure of information, and examination of records and property. The document also removes two regulations concerning stockyard services, one regulation concerning the weighing of livestock for purposes other than purchase or sale, and one regulation concerning the wholesomeness of feed furnished livestock. These actions simplify existing regulations by consolidating similar regulations and reduce or eliminate unnecessary regulatory requirements.

EFFECTIVE DATE: October 24, 1984. The incorporation by reference in § 201.71 was approved by the Director of the Federal Register effective October 24, 1984.

FOR FURTHER INFORMATION CONTACT: Harold W. Davis, Director, Livestock Marketing Division, phone (202) 447-6951, or Kenneth Stricklin, Director, Packer and Poultry Division, phone 447-7363.

SUPPLEMENTARY INFORMATION: The proposed changes in the regulations were published in the *Federal Register* on September 20, 1983 (48 FR 42823). At the request of a major trade association representing poultry interests, the deadline for filing comments was extended until December 2, 1983. Thirty-one comments were filed in response to the notice. Of the thirty-one comments filed, twenty-five addressed a single proposal, regulation § 201.82(b), and opposed the proposed change in the wording of that regulation concerning the time of weighing for live poultry. A national packer also commented in opposition to the proposed change in regulation § 201.82(b), but also commented on other proposals. Of the

remaining five comments received, two were filed by national trade associations and addressed selected proposals, and the remaining three comments, representing the views of a national farm organization, a national livestock market group, and a State Department of Agriculture, approved all of the proposals.

All comments received were carefully considered by the Administration.

Installation, Maintenance and Use of Scales; Accurate Weights

It was proposed to retain the requirements of the five regulations pertaining to scale accuracy and to the installation, maintenance and use of livestock, monorail and vehicle scales but to consolidate the pertinent provisions specifying those requirements into a single regulation, § 201.71. In addition, it was proposed to remove regulation § 201.72-2, and to incorporate by reference in regulation § 201.71 the applicable requirements contained in the General Code, Scale Code and Weights Code of the 1983 Edition of National Bureau of Standards Handbook 44 concerning specifications, tolerances and other technical requirements for commercial weighing and measuring devices.

Only one comment specifically addressed the proposal, and expressed reservations concerning the incorporation by reference in regulation § 201.71 of the applicable requirements of the 1983 Edition of the National Bureau of Standards Handbook 44 because it is subject to change each year. That comment misconstrues the effect of the proposed incorporation, which is confined to the 1983 edition of the Handbook. If changes are adopted in future editions of the Handbook which affect persons subject to the Act, those changes, if appropriate, can be incorporated into the regulations only after notice and opportunity for comment. It should be noted, however, that all the States in which scales subject to the Packers and Stockyards Act are located follow the requirements of Handbook 44 as their State requirements.

The Administration has concluded that regulation 201.71 will be adopted as a final rule.

Scale Testing and Reports

It was proposed to retain the existing requirements for the testing of scales used to weigh livestock, livestock carcasses or live poultry, but to consolidate those requirements, currently specified in four regulations, into a single regulation. It was also

proposed to retain the requirement that copies of the scale test reports be filed with the Administration.

There were no objections to this proposal, but one response questioned the meaning of the term "competent person." Specifically, the response questioned whether the term referred only to an official of a regulatory agency. That term refers to any qualified employee of an independent scale company, a State agency, or a qualified employee of the scale owner.

For the reasons set forth in the proposal of September 20, 1983, the Administration has determined that the scale testing and reporting requirements will be retained and consolidated. Accordingly, regulation 201.72, as proposed, will be adopted as a final rule.

Instructions for Testing Scales and Weighing Livestock, Livestock Carcasses and Live Poultry

It was proposed to retain §§ 201.72-1, 201.73-1, 201.78-1, 201.106-1, 201.106-2, and 201.108-1 of the regulations which contain the technical instructions for proper scale testing and weighing procedures. No comments were received in opposition to this proposal. Accordingly, these regulations will be retained.

Scale Operators To Be Competent

It was proposed to consolidate §§ 201.73, 201.78(b) and 201.108 of the regulations which require that persons subject to the Act employ only qualified persons to operate scales for weighing livestock, livestock carcasses or live poultry. It was also proposed to eliminate the requirement that weighmasters be rotated in their duties. No comments were received which specifically addressed this proposal, and for the reasons set forth in the notice, the regulations will be consolidated as regulation § 201.73.

Reweighing Livestock and Live Poultry

Sections 201.76 and 201.109 of the regulations require that persons subject to the Act, and their employees, shall reweigh livestock or live poultry at the request of authorized representatives of the Secretary. It was proposed to consolidate the two regulations and to include language to make clear that livestock carcasses are subject to reweighing upon proper request. No comments specifically addressing this proposal were received. Accordingly, the two regulations will be consolidated and revised as a final rule in regulation 201.76.

Weighing Other Than for Purchase or Sale; Stockyard Services; Wholesome Feed and Water

It was proposed to remove §§ 201.77, 201.79, 201.80 and 201.84 of the regulations which concern weighing for purposes other than purchase or sale, the furnishing of facilities and services at stockyards, the withholding of stockyard services, and the wholesomeness of feed and water furnished livestock. No comments were received in opposition to the proposed removal, and the four regulations will therefore be removed.

Suspended Registrants

It was proposed to retain regulation § 201.81, which prohibits persons subject to the Act from employing any person who is suspended as a registrant to perform activities in connection with livestock transactions during the period of suspension.

Only one comment specifically addressed this proposal, and questioned whether the regulation would prevent persons subject to the Act from employing suspended registrants in a capacity other than that which they were engaged in at the time of their suspension.

It is the position of the Administration that a suspended registrant should not be employed to perform any activities related to livestock transactions which are subject to the jurisdiction of the Secretary under the Act, including buying and selling livestock in any capacity or furnishing stockyard services. This regulation is necessary to insure the effectiveness of suspensions ordered by the Secretary, and to prevent circumvention of suspension orders through a myriad of direct and indirect devices.

The Administration has concluded that the prohibition of regulation 201.81 will be retained, but the regulation will be revised to make clear that the regulation prohibits the employment of suspended registrants to perform activities only in connection with or related to livestock transactions subject to the jurisdiction of the Secretary under the Act.

Handling and Weighing Livestock and Live Poultry

It was proposed to consolidate the requirements of regulation 201.82 and regulation 201.110 into a single regulation. Under the proposal, regulation 201.110 would be revised and consolidated as regulation 201.82(b).

Responses to the proposal were initially due on or before November 21, 1983. Three comments were received

during the initial comment period, including one from a national farm organization, generally supporting all of the changes proposed in the notice. On November 16, 1983, a letter was received from the National Broiler Council requesting an extension of time in which to file responses to the proposal. An extension was granted to December 2, 1983. After the extension was granted, twenty-six comments were received from members of the poultry industry in opposition to the proposed change in wording in regulation 201.82(b). Nine of the twenty-six comments received were filed on behalf of a single poultry firm. In addition, comments were filed by 10 other poultry processors, by five state poultry associations, by one regional association, and by one national poultry association.

Based on the comments received, the proposal to revise the language of regulation 201.82(b) was perceived as imposing a new, more stringent requirement than currently imposed by regulation 201.110. This was not the intent of the agency. The change to more specific language was for the purpose of clarification. The current regulation pertaining to the weighing of live poultry requires that live poultry be weighed "as promptly as possible after the poultry is loaded * * * ." In administering this requirement over the past several years the agency has consistently interpreted § 201.110 as requiring live poultry to be weighed promptly upon arrival at the processor's plant. Such an interpretation is consistent with the existing regulation.

The Administration's review of industry weighing practices confirms that this is already the predominant practice in the industry.

In view of the foregoing and the fact that live poultry is not always transported directly to a processing plant after loading, the Administration has concluded that the present wording of regulation 201.110 shall be retained. The Administration's existing interpretation of the requirements of this regulation will not change for those dealers and handlers transporting live poultry directly to their plants for slaughter.

Accordingly, the Administration has determined that regulation 201.82(a), as proposed, will be adopted as a final rule. Regulation 201.82(b), as proposed, will not be adopted as a final rule. However, the current wording of regulation 201.110 will be consolidated in regulation 201.82 as part (b).

Furnishing Business Information; Inspection of Records and Property

It was proposed to retain regulation 201.94 which requires persons subject to the Act to give to the Secretary, in writing or otherwise, and under oath if requested, any information concerning their business subject to the Act. It was also proposed to consolidate §§ 201.95 and 201.103 of the regulations which require persons subject to the Act to permit authorized representatives of the Secretary to enter their place of business during ordinary business hours to examine and copy their records and to inspect their facilities.

One comment specifically addressing these proposals was received. That comment objected to the deletion of the word "proper" from the phrase "upon proper request" in regulation 201.95. That deletion was inadvertent and the consolidated rule retains the phrase "upon proper request." It was also suggested in the same comment that it would be appropriate to include the phrase "upon proper request" in regulation 201.94. The Administration agrees that any request must be in conformance with its statutory authority, and the suggested modification will be adopted.

Accordingly, regulation 201.94, with the amendment noted above, will be retained and §§ 210.95 and 201.103 of the regulations, with the amendment noted above, will be consolidated as proposed.

Information Not To Be Disclosed

It was proposed to consolidate §§ 201.96 and 201.104 of the regulations which prohibit the unauthorized disclosure of business information. One comment questioned whether the regulation would prohibit the unauthorized disclosure of information voluntarily given to the Administration by a person subject to the Act either during the course of an investigation, in response to an informal request, or under other similar circumstances. The Administration believes that the regulation prohibits the disclosure of all information received either through voluntary submission or pursuant to lawful process. All information received by the Administration in connection with its enforcement of the Act is "information given * * * pursuant to the Act and regulations * * *."

Accordingly, §§ 201.96 and 201.104 of the regulations will be consolidated as regulation 201.96 and adopted as a final rule.

Annual Reports

It was proposed to retain regulation 201.97 which requires the filing of annual reports by packers, stockyard owners, market agencies and dealers. No comments were received in opposition to the annual report requirement and for the reasons set forth in the proposal, regulation 201.97 will be retained.

Packers and Dealers Not To Charge Commission, Yardage or Other Service Charges

It was proposed to retain regulation 201.98 of the regulations, which prohibits packers and dealers, in connection with the purchase of livestock, from assessing the sellers of livestock any fee such as yardage, commission or other service charges.

One comment was received in opposition to the proposal, and expressed the view that the Administration should not prohibit a marketing device merely because that device "may" be used to obtain an unfair competitive advantage.

The principal reason advanced by the Administration in support of the regulation is that buyers of livestock provide no service to sellers in connection with their livestock purchases and are therefore not entitled to assess such charges. In addition, the assessment of such fees is frequently a deceptive pricing device and an unfair competitive practice.

The Administration does not believe that the comment filed in opposition to the proposal has merit, and regulation 201.98 will be retained as proposed.

Packer Purchasing Livestock on a Carcass Basis

Two comments were filed in opposition to the proposed retention of regulation 201.99, which specifies requirements applicable to purchases of livestock on a carcass weight or carcass grade and weight basis. One comment recommended that the regulation should require only reasonable uniformity of hooks, rollers and gambrels. In its enforcement of regulation 201.99, the Administration allows a tolerance of plus or minus two ounces for such equipment. Therefore, only "reasonable" uniformity is in fact required. The other comment questioned the Administration's authority to impose such a limitation on the rights of parties to agree to forms of grade and weight transactions based on weights other than hot carcass weights. Regulation 201.99 was adopted on the basis of an extensive record, including substantial input from all sectors of the livestock

and packing industries, studies conducted by the Administration, and public hearings. The arguments advanced here in opposition to regulation 201.99 were also advanced when the regulation was first proposed for adoption, and the Administration's reasons for adopting § 201.99 are set forth in great detail in the *Federal Register* of February 9, 1968. (33 FR 2762).

The Administration is convinced that those reasons remain equally valid today. Accordingly, regulation 201.99 will be retained as proposed, and the proviso in paragraph (d) will be deleted.

Records To Be Furnished Poultry Growers and Sellers

It was proposed to retain regulation 201.100 which specifies the information to be furnished poultry growers and sellers. No comments were received in opposition to this proposal, and regulation 201.100 will be retained.

Statement With Respect To Insolvency

It was proposed to retain § 203.10 of the Statements of General Policy. This policy statement defines the test for insolvency which will be applied under the Packers and Stockyards Act. No comments were received concerning the proposed retention of this policy statement and the continued application of the current ratio test in the determination of insolvency. Accordingly, policy statement 203.10 will be retained as proposed.

Executive Order

It has been determined that the regulations relating to the weighing, scale testing, and services of market agencies, dealers, packers and live poultry dealers or handlers are not "major" rules as defined by section 1(b) of E.O. 12291.

The rules will not have an annual effect on the economy of \$100 million or more, will not result in major increase in costs or prices for consumers, individual industries, Government agencies or geographic regions, and will not have significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or export markets. Accordingly, regulatory impact analyses are not required.

Regulatory Flexibility Act

B.H. (Bill) Jones, Administrator, Packers and Stockyards Administration has determined that these rules will not have a significant economic impact on a

substantial number of small entities. These rules, would remove several restrictions on the business activities of market agencies and greatly simplify and clarify the regulations.

Paperwork Reduction Act of 1980

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the reporting and recordkeeping requirements included in these rules have been approved by the Office of Management and Budget (OMB) and have been assigned clearance numbers 0590-0001 and 0590-0003.

List of Subjects in 9 CFR Part 201

Packers, Reporting and recordkeeping requirements, Scales, Stockyards, Weighing.

PART 201—[AMENDED]

Accordingly, Part 201, Chapter II of Title 9 of the Code of Federal Regulations, is amended as set forth below.

1. Section 201.71 is revised to read as follows:

§ 201.71 Scales; accurate weights, repairs, adjustments or replacements after inspection.

(a) All scales used by stockyard owners, market agencies, dealers, packers and live poultry dealers or handlers to weigh livestock, livestock carcasses or live poultry for the purpose of purchase, sale, acquisition or settlement shall be installed, maintained and operated to insure accurate weights. Such scales shall meet applicable requirements contained in the General Code, Scale Code and Weights Code of the 1983 Edition of National Bureau of Standards Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices", (Sections 1 and 2) which is hereby incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register on October 24, 1984. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register. Handbook 44 is subject to change annually. This handbook is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. It is also available for inspection at the Office of the Federal Register Information Center, Room 8301, 1100 L Street NW., Washington, D.C. 20408.

(b) All scales used by stockyard owners, market agencies, dealers,

packers and live poultry dealers or handlers to weigh livestock or live poultry for the purpose of purchase, sale, acquisition or settlement shall be equipped with a printing device which shall be used for recording weight values on a scale ticket or other document used for this purpose.

(c) All vehicle scales used to weigh livestock or live poultry for purposes of purchase, sale, acquisition or settlement shall be of sufficient length and capacity to weigh the entire vehicle as a unit: Provided, That a trailer may be uncoupled from the tractor and weighed as a single unit.

(d) No scale shall be operated or used by any stockyard owner, market agency, dealer, packer or live poultry dealer or handler to weigh livestock, livestock carcasses or live poultry for purposes of purchase, sale, acquisition or settlement unless it has been found upon test and inspection, as specified in § 201.72 of the regulations, to be in a condition to give accurate weight. If a scale is inspected or tested and found incorrect or inaccurate or if any repairs, adjustments or replacements are made to a scale, it shall not be used until it has been inspected and tested and met all accuracy requirements specified in the regulations.

2. Section 201.72 is revised to read as follows:

§ 201.72 Scales; testing of.

(a) Each stockyard owner, market agency, dealer, packer or live poultry dealer or handler who weighs livestock or live poultry for purposes of purchase, sale, acquisition or settlement, or who weighs livestock carcasses for the purpose of purchase on a carcass weight basis, or who furnishes scales for such purposes, shall cause such scales to be tested by competent persons in accordance with the regulations at least twice during each calendar year at intervals of approximately six months. More frequent test will be required in cases where the scale does not maintain accuracy between tests.

(b) Each stockyard owner, market agency, dealer, packer and live poultry dealer or handler who weighs livestock, livestock carcasses or live poultry for purposes of purchase, sale, acquisition or settlement shall furnish reports of such tests and inspections on forms prescribed by the Administrator. The stockyard owner, market agency, dealer, packer or live poultry dealer or handler shall retain one copy of the test and inspection report and shall file one copy with the regional office for the region in which the scale is located.

(c) When the scales used for weighing livestock, livestock carcasses or live poultry are tested and inspected by an agency of a State or municipality or other governmental subdivision, the forms ordinarily used by such agency for reporting test and inspection of scales shall be accepted in lieu of the forms prescribed for this purpose by the Administrator if such forms contain substantially the same information.

(Approved by the Office of Management and Budget under control number 0590-0001)

§ 201.72-2 [Removed]

3. In Part 201, § 201.72-2 is removed.

4. Section 201.73 is revised to read as follows:

§ 201.73 Scale operators to be qualified.

Stockyard owner, market agencies, dealers, packers and live poultry dealers or handlers shall employ qualified persons to operate scales for weighing livestock, livestock carcasses or live poultry for the purpose of purchase, sale, acquisition or settlement, and they shall require such employees to operate the scales in accordance with the regulations.

§§ 201.74 and 201.75 [Removed]

5. In Part 201, §§ 201.74 and 201.75 are removed.

6. Section 201.76 is revised to read as follows:

§ 201.76 Reweighing.

Stockyard owners, market agencies, dealers, packers and live poultry dealers or handlers shall reweigh livestock, livestock carcasses or live poultry on request of any authorized representative of the Secretary.

§§ 201.77, 201.78, 201.79, and 201.80 [Removed]

7. In Part 201, §§ 201.77, 201.78, 201.79, and 201.80 are removed.

8. Section 201.81 is revised to read as follows:

§ 201.81 Suspended registrants.

No stockyard owner, packer, market agency, or dealer shall employ any person who has been suspended as a registrant to perform activities in connection with livestock transactions subject to the jurisdiction of the Secretary under the Act during the period of such suspension: *Provided*, That the provisions of this section shall not be construed to prohibit the employment of any person who has been suspended as a registrant until such time as the person demonstrates solvency or obtains the bond required under the Act and regulations. No such

person shall be employed, however, until after the expiration of any specified period of suspension contained in the order of suspension.

9. Section 201.82 is revised to read as follows:

§ 201.82 Care and promptness in weighing and handling livestock and live poultry.

(a) Each stockyard owner, market agency, dealer, packer and live poultry dealer or handler shall exercise reasonable care and promptness with respect to loading, transporting, holding, yarding, feeding, watering, weighing or otherwise handling livestock or live poultry to prevent waste of feed, shrinkage, injury, death or other avoidable loss.

(b) Whenever live poultry is weighed on a vehicle by a packer or live poultry dealer or handler, the gross weight shall be determined on the scale normally used for such purpose as promptly as possible after the poultry is loaded on the vehicle.

§ 201.84 [Removed]

10. In Part 201, § 201.84 is removed.

11. Section 201.94 is revised to read as follows:

§ 201.94 Information as to business; furnishing of by packers, stockyard owners, market agencies, and dealers.

Each packer, stockyard owner, market agency, and dealer, upon proper request, shall give to the Secretary or his duly authorized representatives in writing or otherwise, and under oath or affirmation if requested by such representatives, any information concerning the business of the packer, stockyard owner, market agency, or dealer which may be required in order to carry out the provisions of the act and regulations in this part within such reasonable time as may be specified in the request for such information.

12. Section 201.95 is revised to read as follows:

§ 201.95 Inspection of business records and facilities.

Each stockyard owner, market agency, dealer, packer and live poultry dealer or handler, upon proper request, shall permit authorized representatives of the Secretary to enter its place of business during normal business hours and to examine records pertaining to its business subject to the Act, to make copies thereof and to inspect the facilities of such persons subject to the Act. Reasonable accommodations shall be made available to authorized representatives of the Secretary by the stockyard owner, market agency, dealers, packer or live poultry dealer or

handler for such examination of records and inspection of facilities.

13. Section 201.96 is revised to read as follows:

§ 201.96 Unauthorized disclosure of business information prohibited.

No agent or employee of the United States shall, without the consent of the stockyard owner, market agency, dealer, packer or live poultry dealer or handler concerned, divulge or make known in any manner, any facts or information regarding the business of such person acquired through any examination or inspection of the business or records of the stockyard owner, market agency, dealer, packer or live poultry dealer or handler, or through any information given by the stockyard owner, market agency, dealers, packer or live poultry dealer or handler pursuant to the Act and regulations, except to such other agents or employees of the United States as may be required to have such knowledge in the regular course of their official duties, or except insofar as they may be directed by the Administrator or by a court of competent jurisdiction, or except as they may be otherwise required by law.

14. In § 201.99, paragraph (d) is revised to read as follows:

§ 201.99 Purchase of livestock by packers on a carcass grade, carcass weight, or carcass grade and weight basis.

(d) Settlement and final payment for livestock purchased by a packer on a carcass weight or carcass grade and weight basis shall be on actual hot weights. The hooks, rollers, gambrels or other similar equipment used at a packing establishment in connection with the weighing of carcasses of the same species of livestock shall be uniform in weight. The tare shall include only the weight of such equipment.

(Approved by the Office of Management and Budget under control number 0590-0003)

§§ 201.103, 201.104, 201.105, 201.106, 201.108, 201.109, and 201.110 [Removed]

15. In Part 201, §§ 201.103, 201.104, 201.105, 201.106, 201.108, 201.109, and 201.110 are removed.

(7 U.S.C. 222 and 228 and 15 U.S.C. 46)

Done at Washington, D.C. this 12th day of September 1984.

B.H. (Bill) Jones, Administrator,
Packers and Stockyards Administration.

[FR Doc. 84-25317 Filed 9-21-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-AWA-19]

Changes to Controlled Airspace, Hawaii

Correction

In FR Doc. 84-23138 beginning on page 34442 in the issue of Friday, August 31, 1984, make the following corrections.

On page 34443, § 71.401 is corrected as follows:

1. In the second column, under the heading **Honolulu, HI [Revised], Primary Airport**, in the second line, "21°29'20" N." should have read "21°19'20" N."

2. In the third column:
a. In the fourth line of *Area H*, "158°01'57" W." should have read "158°03'00" W."; and in the fifth and sixth lines, "158°03'00" W." should have read "158°03'55" W."

b. In the second line of *Area I*, "1,000" should have read "2,200".

c. In the second line of *Area J*, "1,600" should have read "1,000"; in the seventh line, "H-5 Freeway" should have read "H-1 Freeway"; and in the eighth line, "157°1'15" W." should have read "157°51'15" W".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-204 (New Mexico—25); Order No. 397]

High-Cost Gas Produced From Tight Formations; New Mexico

Issued: September 21, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: Under section 107(c)(5) of the Natural Gas Policy Act of 1978, the Federal Energy Regulatory Commission designates certain types of natural gas as high-cost gas. High-cost gas is produced under conditions which present extraordinary risks or costs and once designated may receive an incentive price. Under section 107(c)(5), the Commission issued a rule designating natural gas produced from tight formations as high-cost gas. Jurisdictional agencies may submit recommendations of areas for designation as tight formations. Here the

Commission adopts the recommendation by the New Mexico Energy and Minerals Department, and the U.S. Bureau of Land Management that a portion of the Pictured Cliffs Formation located in Rio Arriba and Sandoval Counties, New Mexico, be designated as a tight formation.

EFFECTIVE DATE: This rule is effective October 22, 1984.

FOR FURTHER INFORMATION CONTACT: Kevin R. Rees, (202) 357-5420 or Walter Lawson, (202) 357-8556.

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa, Oliver G. Richard III and Charles G. Stalon.

I. Background

Based on a recommendation made by the new Mexico Energy and Minerals Department, Oil Conservation Division (New Mexico), the Commission amends its regulations¹ to designate a portion of the Pictured Cliffs Formation located in Rio Arriba and Sandoval Counties, New Mexico, as a designated tight formation eligible for incentive pricing. The Director of the Office of Pipeline and Producer Regulation (Director) issued a Notice of Proposed Rulemaking proposing the designation on June 15, 1984.²

The U.S. Department of Interior, Bureau of Land Management (BLM),³ supports the New Mexico recommendation in part, but argues that certain other areas should be included in the recommendation and that others be deleted. BLM recommends that the part of the Pictured Cliffs Formation underlying Township 24 North, Range 3 West, Sections 26 through 35 and South ½ of Section 36, be included in the tight formation designation (Sections 29 through 32 and the West ½ of Section 33 were included in the New Mexico recommendation).

However, BLM also recommends that the portion of the Pictured Cliffs Formation underlying Township 22 North, Range 3, West, Sections 19 through 36; Township 22 North, Range 4 West, Sections 13 through 36; and Township 22 North, Range 5 West, all sections, be deleted from the tight formation designation. BLM asserts that this portion, located in the southwest corner of New Mexico's proposed area, is not part of the same trend found in the Ballard Pictured Cliffs field and has not been adequately tested, described or

characterized by the data contained in the application.

BLM describes the portion of the Pictured Cliffs Formation it supports as being nearshore bars aligned northwest to southeast, whereas the area it opposes is described as nearshore bars which are extremely lenticular, ribbon-like deposits with a very limited southwest-northeast areal extent. BLM asserts that because of the limited areal extent of the deposits, it is unreasonable to include the untested acreage found several miles southwest from the edge of the main trend.

II. Summary of Comments

Several comments were received in response to the Notice of Proposed Rulemaking. Southern California Gas Supply Company (SoCal) and the Pacific Lighting and Gas Supply Company (PLGS) filed joint comments opposing the New Mexico recommendation. The Northwest Pipeline Corporation (Northwest) also filed comments opposing New Mexico's recommendation.

SoCal and PLGS objected to the recommendation by New Mexico on the grounds that there was insufficient well test data and an inadequate analysis to support its assertion that the recommended area qualified as a tight formation. SoCal and PLGS assert that the applicant before New Mexico attempted to arrive at the expected *in situ* permeability based on core analyses from only four wells. SoCal and PLGS argue further that while this applicant chose to rely more on an analysis using Darcy's equation to estimate the recommended area's permeability rather than the core method, flow rate data from only six wells were available for the analysis. SoCal and PLGS feel this does not constitute sufficient and adequate reservoir data to properly evaluate an area of nearly 370 square miles.

SoCal and PLGS also argue that the applicant excluded certain unfavorable data from its calculations, resulting in an erroneously low expected average *in situ* permeability. SoCal and PLGS state that the analytical approach for determining the average *in situ* permeability under the regulations is to calculate the arithmetic average of the permeabilities of all productive wells in the recommended area. SoCal and PLGS assert that the applicant excluded the unstimulated flow rate from one of the seven wells because the applicant believed that the particular well had penetrated a highly productive sweet spot uncharacteristic of the recommended formation, yet included rates from two wells whose production

rate was too small to measure. SoCal and PLGS assert that the applicant did not submit enough supporting data to justify the exclusion.

SoCal and PLGS assert that the applicant's use of an average net pay thickness of 41 feet is inappropriate for such a non-homogeneous formation such as the Pictured Cliffs formation, because it does not reflect localized differences in net pay thickness, static and flowing bottom hole pressures, wellbore radius and near wellbore damage of individual wells. SoCal and PLGS state that they have summarized the core data and have arrived at an average pay thickness of 23 feet. SoCal and PLGS assert that when this figure is used, along with the arithmetic average of the unstimulated flow rate for all productive wells of 51.2 Mcf per day, it arrives at an estimated *in situ* permeability of 0.24 millidarcy, exceeding the 0.1 millidarcy guideline found in § 271.703(c)(2)(i)(A).

On August 1, 1983, the Commission also received comments from Northwest Pipeline Corporation (Northwest) in which Northwest expressed concern about the development and permeability levels of the acreage found in the South Blanco Pictured Cliffs and Ballard Pictured Cliffs Pools as established by New Mexico Order Nos. 156 and 577 respectively.⁴ On August 31, 1983, the Commission requested any additional data Northwest had concerning these areas and any permeability data Northwest felt was pertinent. On October 12, 1983, the Commission received the additional data from Northwest.

Northwest submits that New Mexico Spacing Order No. R-1670, issued May 23, 1960, allows the drilling of four wells per section in these pools. Northwest submits of the 65 sections contained in the Blanco Pictured Cliffs Pool, 29% are 100% developed, 15% are 75% developed and 37% are partially developed. In the Ballard Pictured Cliffs Pool, containing 103 sections, there is 100% development on 46% of the sections, 9% of the remaining sections are 75% developed, 4% of these sections are 66% developed, and 22% of the sections are 50% developed. Altogether, Northwest submits 81% of the sections in the two pools are at least 50% developed. Northwest therefore concludes that incentive prices for tight formation gas has not been needed for the development of these two areas and that it is not necessary for the future development of the area as well.

¹ 18 CFR 271.703(d) (1983).

² 48 FR 28,113 (June 20, 1983).

³ Portions of the land involved herein are Federal lands and therefore the BLM was involved in the proceeding.

⁴ New Mexico Order Nos. 156 and 577 were issued on May 20, 1952, and on February 9, 1955 respectively.

Northwest also submits that it has reviewed production history from 19 wells in the South Blanco Pictured Cliffs Pool and of 6 wells in the Ballard Pictured Cliffs Pool. Northwest calculates the permeability of the recommended formation, based on its review, to be an average of 0.113 millidarcy.

III. Discussion

A. BLM's Recommendation

The Commission has reviewed BLM's comments and finds that the additional area that BLM proposes to include in the recommended area is supported by the evidence submitted. The Commission therefore includes this area in the area designated as a tight formation.

The Commission, however, disagrees with BLM's assertions that certain areas recommended by New Mexico should be deleted. Review of the data shows the Pictured Cliffs Formation in the proposed area to be a continuous lithologic unit of interfingered sand lenses recognizable on electric logs of wells throughout the recommended area. The subject formation, a silty sandstone with clay filled pore spaces, was deposited in a regressive marine environment by the Late Cretaceous sea. The same physical forces responsible for depositing the nearshore bars found near the northeast boundary were operating during the deposition of the nearshore bars in the southwest portion of the proposed area. Consequently, we believe that formation characteristics in the developed nearshore bar trend in the northeastern portion, from which most of the raw data originates, can reasonably be used to approximate the characteristics in the adjacent nearshore bar system believed to underlie the sparsely drilled southwestern portion.

The Commission's guidelines require that a recommended area exhibit or be expected to exhibit tight formation characteristics. They do not go so far as to require that data exist in the same degree in all parts of the formation as in the northeast portion of the recommended area. If this were so, then undeveloped areas, for which the incentive price is most needed, could never be designated as tight formations. The Commission believes that the southwestern portion should not be deleted from the tight formation designation, since enough evidence exists to lead to a finding that this area is expected to exhibit tight formation characteristics.

B. SoCal and PLGC's Comments

The Commission also finds SoCal and PLGS's comments unpersuasive.

Commission review of the data submitted indicates that the flow rates from the "sweet spot" were anomalous to the rest of the recommended area and finds that exclusion of the flow rate from the "sweet spot" is justified in this particular case. Furthermore, the Commission believes that the applicant's approximation of 41 feet for the net pay thickness of the pay section is supported by the evidence available. Based on data from nine wells producing in the subject cross section, excluding the flow rate from the sweet spot area, the Commission arrived at an arithmetic average for the unstimulated stabilized flow rate of 16.5 Mcf. The Commission finds that SoCal and PLGS' assertion that the unstimulated flow rate was 51.2 Mcf was actually an unstabilized rate of flow and not in accordance with the guidelines in § 271.703(c)(2)(i)(B). Furthermore, that section of the Commission's regulations requires the applicant to show a stabilized prestimulated flow rate of 79.5 Mcf for the subject formation, a figure above SoCal and PLGS' estimated rate of flow. Additionally, the Commission used its estimate of the unstimulated flow rate and the applicant's estimation of a net pay section of 41 feet in Darcy's equation and arrived at an expected average *in situ* permeability of .018 millidarcy, which is well below the 0.1 millidarcy requirement found in § 271.703(c)(2)(i)(A).

C. Northwest's Comments

We now turn to Northwest's comments that certain areas have been substantially developed and should be deleted from this designation. Section 271.703(c)(2)(i)(D) provides that no area should be included in a recommendation if that area was authorized to be developed by infill drilling prior to the date of the recommendation, and information exists to indicate that the area can be developed absent the incentive price. We have found this "information" to exist in cases where the area was substantially developed at the time an infill drilling order was issued.⁵ In this case, there has been no infill drilling order and so there is no basis to exclude any areas under § 271.703(c)(2)(i)(D). Additionally, our review shows that 88 percent of the existing wells in the Ballard Pictured Cliffs and South Blanco Pictured Cliffs Pools were drilled and completed in the

tight formation prior to July 16, 1979, the date at which the incentive price was established. Accordingly, production from these wells in the tight formation will probably not qualify for the NGPA section 107 incentive price. See § 271.703(b)(2) and (3). Furthermore, as stated above, the Commission estimates the expected *in situ* permeability to be .018 millidarcy for the designated area.

IV. Conclusion

Based on the above, the Commission finds that the evidence submitted by New Mexico supports the assertion that the Pictured Cliffs formation meets the guidelines contained in § 271.703(c)(2). Thus, the Commission adopts the New Mexico recommendation, with the additional area recommended by BLM.

This amendment shall become effective October 22, 1984.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

By the Commission.
Kenneth F. Plumb,
Secretary.

PART 271—[AMENDED]

Section 271.703 is amended to read as follows:

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by adding paragraph (d)(179) to read as follows:

§ 271.703 Tight formations.

(d) *Designated tight formations.*

(179) *Pictured Cliffs Formation in New Mexico.* RM79-76-204 (New Mexico—25).

(i) *Delineation of formation.* The Pictured Cliffs Formation is located in Rio Arriba and Sandoval Counties, New Mexico, in Township 22 North, Range 2, 3, 4 and 5 West, Sections 5 through 9, 16 through 21, and 25 through 36; Township 23 North, Ranges 3, 4 and 5 West, All Sections; Township 24 North, Range 3 West, Sections 19, 20, 26 through 35, and S/2 of 36; Township 24 North, Range 4 West, Sections 3 through 10 and 13

⁵ See Docket No. RM79-76, (Colorado-1) FERC Stats. & Regs. [Reg. Preambles 1977-1981] ¶ 30,226 (1981). Order 124; Docket No. RM79-76, (Colorado-3) FERC Stats. & Regs. [Reg. Preambles 1977-1981] ¶ 30,244 (1981). Order 137; Commission Order Denying Rehearing, Order 137-A 15 FERC ¶ 61,277 (1981).

through 36; Township 24 North, Range 5 West, All Sections; Township 25 North, Range 4 West, Sections S/2 of 30, 31 and 32; Township 25 North, Range 5 West, Sections 15 through 23 S/2 of 24, and 25 through 30, NMPM.

(ii) *Depth.* The Picture Cliffs Formation is defined as that interval at a depth of approximately 3,046 feet to 3,141 feet on the Induction Electric Log from the John E. Schalk, Cinco Diablos Well No. 6. The average depth to the top of the Pictured Cliffs Formation is 2,685 feet.

[FR Doc. 84-25191 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76-218 (New Mexico—26); Order No. 398]

High-Cost Gas Produced From Tight Formations; New Mexico

Issued: September 21, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: Under section 107(c)(5) of the Natural Gas Policy Act of 1978, the Federal Energy Regulatory Commission designates certain types of natural gas as high-cost gas. High-cost gas is produced under conditions which present extraordinary risks or costs and once designated may receive an incentive price. Under section 107(c)(5), the Commission issued a rule designating natural gas produced from tight formations as high-cost gas. Jurisdictional agencies may submit recommendations of areas for designation as tight formations. Here the Commission adopts in part the recommendation of the State of New Mexico Energy and Minerals Department Oil Conservation Division (New Mexico) than an additional area of the Dakota formation, located in San Juan Basin in San Juan County, New Mexico, exclusive of certain areas where development has been substantial be designated as a tight formation.

EFFECTIVE DATE: This rule is effective October 22, 1984.

FOR FURTHER INFORMATION CONTACT: Kevin R. Rees, (202) 357-5420 or Walter Lawson, (202) 357-8556.

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. C. Sousa, Oliver G. Richard III and Charles G. Stalon.

I. Background

On October 24, 1984, the State of New Mexico, Energy and Minerals

Department, Oil Conservation Division (New Mexico) submitted a recommendation to the Commission that the Dakota Formation located in San Juan County, New Mexico, be designated as a tight formation. A Notice of Proposed Rulemaking was issued by the Director of the Office of Pipeline and Producer Regulation (Director) on November 14, 1983.¹

The area recommended by New Mexico was proposed to it by M.J. Brannon (Brannon), who refers to the area as the Huerfano Mountain Tight Gas Area. The area consists of the Dakota Formation underlying Sections 20 East 1/2, 21, and 28 through 30 of Township 25 North, Range 9 West, and Section 25 of Township 25 North, Range 10 West, in San Juan County, New Mexico. The average depth to the top of the Dakota Formation is 6400 feet. The average gross thickness of the Dakota Formation is 275 feet. The recommended area is also subject to New Mexico Order No. R-1670-V, issued May 22, 1979, which authorizes the recommended formation for infill drilling.

The Bureau of Land Management (BLM)² has concurred with the New Mexico recommendation and also recommends the Dakota Formation underlying Sections 16, 17 and 18 of Township 25 North, Range 9 West and Sections 13 and 24 of Township 25 North, Range 10 West be included in the recommended area.

The Notice Of Proposed Rulemaking was issued pursuant to § 271.703 of the Commission's regulations to determine whether the Commission should adopt New Mexico's recommendation. The Notice provided that any requests for a public hearing were to be filed on or before November 29, 1983, and written comments were to be filed on or before December 29, 1983.

On November 29, 1983, the Gas Company of New Mexico (GCNM) and the Southern Union Gathering Company (Southern Union)³ filed a joint request for a public hearing on the recommendation. On December 29, 1983, GCNM filed written comments in opposition to the proposed designation and Brannon filed comments in favor of the proposed designation. Brannon filed additional comments on January 20, 1984. A hearing was held on May 4,

1984, and was attended by Brannon, GCNM and Southern Union.

II. Summary of Comments

A. Permeability Requirement

Both in its comments and at the May 4, 1984 hearing, GCNM asserted that the estimated *in situ* gas permeability of the recommended area was developed erroneously. To qualify for a tight formation designation under § 271.703(c)(2)(i)(A), the estimated *in situ* permeability of the pay section of the formation must not be expected to exceed 0.1 millidarcy. GCNM challenges the method by which Brannon arrived at the expected *in situ* permeability, which New Mexico later used. More particularly, GCNM challenges the use of the core analyses from the Alex N. Campbell-M.B. Rudman #1 well (Rudman #1 well). The Rudman #1 Well is located 760 feet east of the proposed designated tight formation and is within the boundaries of the tight formation designated in Docket No. RM79-76 (New Mexico-6).⁴ GCNM argues that § 271.703(c)(2)(i)(A) requires that the core analyses performed must be from wells in the actual recommended formation in order to evaluate the permeability of the recommended formation.

In determining the permeability to air for the recommended formation, GCNM also argues that Brannon used core intervals which were arguably outside of the pay section of the formation. According to GCNM, use of these non-pay section intervals directly contradicts the language of § 271.703(c)(2)(i)(A), requiring an average *in situ* permeability throughout the pay section of less than 0.1 millidarcy.

Brannon responds to GCNM's arguments stating that data from the Rudman #1 well, located 760 feet east from the boundary of the recommended formation, was used for a very limited purpose. Brannon states that the core intervals were used in conjunction with the tested flow rate from the Brannon Federal 28 #2 well, which is located 5000 feet to the west of the Rudman #1 well and within the boundaries of the recommended tight formation, to determine the *in situ* permeability of the recommended formation. Brannon also argues that the pay intervals it used were selected according to standard engineering procedures.

GCNM argues that Brannon failed to perform a valid pressure build-up analysis or to calculate the *in situ*

¹ 48 FR 52593, November 21, 1983.

² Certain of the lands involved are Federal or Indian lands and under the jurisdiction of the Department of Interior, Bureau of Land Management.

³ Gas Company of New Mexico is a distribution division of the Southern Union Company and an affiliate of the Southern Union Gathering Company.

⁴ See FERC Stats. & Regs. [Reg. Preambles 1977-1981] ¶ 30.319 (1981), Order No. 195.

permeability from actual, observed, pre-stimulation production rates of wells operating in the formation. GCNM stated that Brannon's use of a reduction factor of 85% in calculating the *in situ* permeability was too high, causing an unrealistically low average *in situ* permeability. GCNM argued that a lower reduction factor should have been used.⁵ GCNM argued further that in order to correctly calculate the *in situ* permeability, a valid pressure build-up analysis of the recommended formation must be performed and then the laboratory permeability must be corrected to the *in situ* permeability of the reservoir based upon this valid pressure build-up analysis. Additionally, GCNM argues Brannon could have also taken the actual, pre-stimulation, stabilized production rates from wells currently operating in the recommended formation to calculate the *in situ* permeability using Darcy's Equation.

Brannon states that it selected the reduction factors described in Rex O. Thomas and Don C. Ward's paper entitled "Effect of Overburden Pressure and Water Saturation on Gas Permeability of Tight Sandstone Cores" in calculating the permeability of the recommended formation, because the Thomas and Ward procedure was developed from core samples taken in Rio Arriba County, New Mexico, an area adjacent to the recommended tight formation. Brannon argues that the Donald Katz procedure supported by GCNM was developed on the basis of core samples taken from sandstones in California. Brannon believes that the reduction procedure developed in the San Juan Basin, Rio Arriba and San Juan Counties, New Mexico has greater validity for the recommended tight formation than a procedure developed for California sandstones. Brannon further asserts that since the Thomas and Ward procedure was used to analyze the formation approved in Docket No. RM79-76 (New Mexico-8), it should be allowed in this case as well.

Brannon argued that it selected the 85% reduction factor because of its greater accuracy. The overburden pressure of 4320 psi was obtained by using 90% of the pressure derived from a frac gradient of .75 psi per foot. The permeability reduction factor from air permeability to *in situ* permeability of 4300 psi overburden⁶ for the San Juan

Basin (Gasbuggy) area in New Mexico indicates a reduction factor using the mid-range of the plotted data to be 85% permeability to air. The actual reduction factor needed to reach 0.1 millidarcy or less is substantially less than the 85% figure of the Thomas and Ward study. Furthermore, Brannon asserted that these permeability reduction factors are used to account only for overburden pressure and that actual permeability reduction would be greater due to the influence of water saturation in the formation.

B. Stabilized Flow Rate Requirement

GCNM argued further that the production rate data that Brannon submitted fails to meet the requirements of § 271.703(c)(2)(i)(B) for several reasons: (1) Because an unstabilized production rate was presented for the Federal 28 #2 well and (2) the use of the erroneously developed *in situ* permeability data in Darcy's Equation produced equally erroneous production rate data. Section 271.703(c)(2)(i)(B) of the Commission's regulations requires that the stabilized production rate, without stimulation, of wells completed for production in the subject formation, is expected to be less than 217 Mcf per day. GCNM alleged that this requirement was not met because the production rate was constantly increasing and never stabilized.

According to GCNM, the use of the *in situ* permeability data adjusted by the reduction factors presented by Katz, et al., in Darcy's Equation yields pre-stimulation production rates in excess of the requisite 217 Mcf per day for the four of wells which Brannon presented.

Brannon states that the unstimulated, stabilized flow rate for the Brannon Federal 28 #2 well during a 48-hour test period was zero. The stabilized flow rate after acid stimulation of the Brannon Federal 28 #2 was less than 20 Mcf per day. Both the unstimulated flow test of zero Mcf per day and the acid stimulated flow test of 19.78 Mcf per day were witnessed and approved by New Mexico.⁷ The *in situ* permeability was then calculated, using the stimulated 20 Mcf per day flow rate of the Brannon Federal 28 #2 and Darcy's equation, at .012 millidarcies. In its presentation to New Mexico, Brannon then compared the flow rate of the Brannon Federal 28-#2 to that of the Rudman #1 Well. Using the .002 millidarcy calculated from the analyses of the Rudman #1 well core in Darcy's equation, Brannon calculated an unstimulated flow rate of 3.1 Mcf per day. Brannon states that the calculated rate comparison accurately reflects the

unstimulated flow rate witnessed by New Mexico and was conducted to show the extremely low permeability evidenced by low flow rates, not to show or imply that the Brannon Federal 28 #2 had the same permeability as the Rudman #1. Both wells exhibit a permeability factor well below the .1 millidarcy required by § 271.703(c)(2)(i)(A).

C. Economic Necessity

Finally, GCNM submits that due to changed economic circumstances since the issuance of Order No. 99,⁸ incentive pricing for gas produced from tight formations is no longer in the public interest. GCNM alleges that the Commission must require proof of the necessity for incentive pricing for tight formations in this proceeding, or be guilty of an arbitrary and capricious decision and an abuse of discretion in direct contradiction of the public interest. GCNM requested that the Commission deny Brannon's application for its failure to meet the requirements of both § 271.703(c)(2)(i)(A) and of the regulations and order that the need for incentive pricing for tight formation gas will be considered on a case-by-case basis. GCNM requested that in the alternative, the Commission remand the application to New Mexico for further analysis of the permeability and production rate characteristics of the recommended formation and analysis of the necessity for incentive pricing for gas produced from the recommended formation.

Brannon responded to GCNM's argument by stating that the question of whether the incentive price for tight formations is necessary to provide reasonable incentives for particular gas supplies is beyond the scope of tight formation rulemaking proceedings. Brannon requested GCNM's argument be denied.

III. Discussion

A. GCNM's Comments

The Commission has reviewed all the evidence and comments presented in this docket and finds that the recommendation submitted by New Mexico, with the additional acreage recommended by BLM, meets the guidelines in § 271.703(c)(2), except as discussed below.

The Commission finds that the evidence presented in this proceeding demonstrates that the estimated *in situ* permeability of the pay section of the subject formation is not expected to exceed 0.1 millidarcy. We reject

⁵ GCNM relied on D. Katz et al., Handbook of Natural Gas Engineering.

⁶ This figure is based on Figure 1 of Exhibit 8 in the Thomas and Ward paper.

⁷ Brannon Exhibits 10 and 11.

⁸ 12 FERC ¶ 61,165 (1980).

GCNM's argument that we cannot consider core analyses taken from wells outside the recommended formation to determine the *in situ* permeability. The core analysis used was taken from the Rudman #1 well, located a mere 790 feet east of the recommended area. The well is located in the tight formation area designated in Docket No. RM79-76 (New Mexico—6) which surrounds the recommended area on three sides. The cross referencing of well cores to determine the geology between such wells is a common industry practice. Furthermore, core samples were never taken from wells in the recommended area. We believe we can consider the best evidence available to determine compliance with the guidelines. The Commission also rejects GCNM's allegation that a pressure build-up analysis should have been performed. There is no such requirement in the Commission's regulations. In light of the location of the well from which the core sample was taken in relation to the location of the recommended area, and its use in conjunction with data from the Brannon Federal 28 #2 well, the Commission finds that the evidence in this particular case is sufficient to meet the requirements of § 271.703(c)(1)(i)(A).

The Commission also finds that Brannon has met the requirement of § 271.703(c)(2)(i)(B) that the stabilized production rate for wells completed in the subject formation, against atmospheric pressure, without stimulation, is not expected to exceed a production rate of 217 Mcf per day. GCNM asserts that the production rate never stabilized. In fact, the prestimulated production rate was zero. Even after acid stimulation was performed, the production rate was substantially below 217 Mcf per day. Production rates are initially above what the stabilized rate would be, so there is no basis to assume that the stabilized rate would exceed the guideline. Accordingly, the Commission rejects GCNM's arguments that the recommended area fails to meet the requirements of § 271.703(c)(2)(i) (A) and (B).

The Commission also rejects GCNM's assertion that incentive pricing for gas produced from tight formations is no longer in the public interest and that the Commission must require proof of necessity for incentive pricing. The Commission has stated before that it will not use the tight formation recommendation proceeding as a vehicle to reopen Order 99.⁹ If GCNM seeks

Commission review of Order 99, it should request the Commission to institute a rulemaking pursuant to § 385.207 of the Commission's rules of Practice and Procedure.

B. Exclusion of Areas Substantially Developed

New Mexico authorized infill drilling in the recommended area prior to its recommendation.¹⁰ New Mexico's order authorizing infill drilling for the subject area retained the original 320 acre drilling units but allowed the drilling of an additional well on each unit. At present there are 21 drilling units contained in the proposed area. Prior to the issuance of the New Mexico infill order, wells had been completed on 14 of these units representing 66% of the available drilling sites. The Commission finds that this constitutes substantial development of the proposed area at the time the infill order was issued. Because the Commission believes this fact indicates that these portions of the formation could have been, and indeed were developed absent the NGPA section 107 incentive price, the Commission will exclude the 14 drilling units developed prior to July 1, 1979, from the tight formation designation.¹¹ The Commission otherwise adopts the New Mexico recommendation.¹²

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

By the Commission.
Kenneth F. Plumb,
Secretary.

PART 271—[AMENDED]

2. Section 271.703 is amended to read as follows:

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.*

¹⁰ New Mexico Order No. R-1670-V, issued May 22, 1979.

¹¹ The areas developed prior to the issuance of New Mexico Order No. R-1670-V and excluded from this order are found in Township 25 North, Range 9 West, NMPM, Section 17 West ½, Section 18 East all, Section 20 East ½, Section 21 all, Section 28 East ½, Section 29 West ½, and Section 30 East ½; and Township 25 North, Range 10 West, NMPM, Section 13 all, Section 24 all, and Section 25 East ½.

¹² See Docket No. RM79-76, (Colorado-1) FERC Stats. & Regs. [Reg. Preambles 1977-1981] ¶30,228 (1981), Order 124; Docket No. RM79-76, (Colorado-3) FERC Stats. & Regs. [Reg. Preambles 1977-1981] ¶30,224 (1981), Order 137; Commission Order Denying Rehearing, Order 137-A, 15 FERC ¶61,277 (1981).

Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by adding paragraph (d)(180) to read as follows:

§ 271.703 Tight formations.

(d) *Designated tight formations.*

(180) *Dakota Formation in New Mexico.* RM79-76-218 (New Mexico—26).

(i) *Delineation of formation.* The Dakota Formation is located in San Juan County, New Mexico, in Township 25 North, Range 9 West, Sections 16, 17 E/2, 19, 20 W/2, 28 W/2, 29 E/2, and 30 W/2 NMPM; Township 25 North, Range 10 West, Section 25 W/2, NMPM.

(ii) *Depth.* The Dakota formation is defined as that interval at a depth of approximately 6,234 feet to 6,599 feet on the Induction Spherically Focused Log from the M.J. Brannon 28 No. 2 well. The average depth to the top of the Dakota formation is 6,400 feet.

[FR Doc. 84-25192 Filed 9-21-84; 8:45 am]

BILLING CODE 84-6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1020

[Docket No. 76N-0308]

Diagnostic X Ray Systems and Their Major Components; Amendments to Performance Standard; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the document that amended the performance standard for diagnostic x-ray systems and their major components by revising and adding requirements concerning computed tomography x-ray (CT) systems. In that document, a formula was inadvertently omitted in the codified material. This document corrects that error.

EFFECTIVE DATE: November 29, 1984.

FOR FURTHER INFORMATION CONTACT: Joseph Sheehan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: In FR Doc. 84-23154 appearing on page 34698 in the issue of Friday, August 31, 1984,

⁹ See Final Rule, Order No. 226, Docket No. RM79-76 48 FR 20573, May 13, 1982.

the following correction is made on page 34712: In the second column under § 1020.33 *Computed tomography (CT) equipment* in paragraph (b)(1), the following formula is inserted after "that is:"

$$CTDI = \frac{1}{nT} \int_{-\pi}^{+\pi} D(z) dz$$

Dated: September 18, 1984.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 84-25202 Filed 9-21-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 82-025]

Drawbridge Requirements; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on drawbridge requirements that appeared at page 17450 in the *Federal Register* of Tuesday, April 24, 1984 (49 FR 17450). The action is necessary to correct typographical errors and omissions and to conform place names to the usage of the Board of Geographic Names.

FOR FURTHER INFORMATION CONTACT:
Mr. A.T. Meschter, (202) 426-1380.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—[AMENDED]

Accordingly, the Coast Guard is correcting FR Doc. 84-10537 appearing on page 17450 in the *Federal Register* issue of April 24, 1984, to read as follows:

§ 117.123 [Amended]

1. On page 17457, column three, the section heading "§ 117.12" is corrected to read "§ 117.123."

§ 117.141 [Amended]

2. On page 17458, column three, the section heading "§ 117.14" is corrected to read "§ 117.141."

3. On page 17459:

§ 117.147 [Amended]

In § 117.147(b), "railroad and highway bridge" is corrected to read "railroad bridge."

§ 117.171 [Amended]

In § 117.171(a), "Department Public Works" is corrected to read "Department of Public Works."

In § 117.171(b), "Yardmaster" is corrected to read "yardmaster."

§ 117.193 [Amended]

4. On page 17460, § 117.193 is corrected by changing "Bayfarm Island" in the second sentence to read "Bay Farm Island."

§ 117.215 [Amended]

5. On page 17461, § 117.215(a) is corrected by changing "from 6 p.m., the draw shall open" in the first sentence to read "from 6 p.m. to 6 a.m., the draw shall open."

6. On page 17463:

§ 117.253 [Amended]

In § 117.253(b)(4), column one, "safely" is corrected to read "safety."

§ 117.261 [Amended]

In § 117.261(a), "brige" is corrected to read "bridge."

In § 117.261(b), "small craft expected" in the fourth sentence is corrected to read "small craft are expected."

In § 117.261(g), "passage vessels" is corrected to read "passage of vessels."

7. On page 17464:

In § 117.261(k), "November 1, to May 31" is corrected to read "November 1 to May 31."

In § 117.261(u), "tug" in the third sentence is corrected to read "tugs."

8. On page 17465:

§ 117.273 [Amended]

In § 117.273, the section heading is corrected by changing "Canaveral Harbor Barge Canal" to read "Canaveral Barge Canal."

§ 117.287 [Amended]

In § 117.287(d), "Cortex" is corrected to read "Cortez."

9. On page 17466:

§ 117.291 [Amended]

In § 117.291(a), "from 8 a.m. 6 to p.m." is corrected to read "from 8 a.m. to 6 p.m."

In § 117.291(c), "West Hillsorough" is corrected to read "West Hillsborough."

§ 117.300 [Amended]

In § 117.300, "Laxahatchee" in the first sentence is corrected to read "Loxahatchee."

§ 117.335 [Amended]

10. On page 17467, § 117.335 is corrected by changing "two hours is given" to read "two hours notice is given."

11. On page 17468:

§ 117.355 [Amended]

In § 117.355, third line, "St. Simon's" is corrected to read "St. Simons."

§ 117.367 [Amended]

In § 117.367(b), "opended" is corrected to read "opened."

12. On page 17469:

§ 117.391 [Amended]

In § 117.391(b), column one, "Northwest Expressway Feeder" is corrected to read "Ohio Street."

§ 117.403 [Amended]

In § 117.403, the section heading is corrected by changing "Wasbash River" to read "Wabash River."

13. On page 17470:

§ 117.415 [Amended]

In § 117.415(a), "System Railroad bridge" is corrected to read "System railroad bridge."

In § 117.415(c)(2), "maintained in the position" is corrected to read "maintained in the open position."

§ 117.417 [Amended]

In § 117.417, "vessles" is corrected to read "vessels."

14. On page 17471:

§ 117.451 [Amended]

In § 117.451(c), "East Part Avenue" is corrected to read "East Park Avenue."

§ 117.453 [Amended]

In § 117.453, "S3197" is corrected to read "US90" and "from 9 p.m., to 5 a.m." is corrected to read "from 9 p.m. to 5 a.m."

§ 117.461 [Amended]

In § 117.461, "draws of S14 bridge" is corrected to read "draws of the S14 bridge."

§ 117.477 [Amended]

In § 117.477, "Archafalaya" in the section heading is corrected to read "Atchafalaya."

§ 117.491 [Amended]

In § 117.491(b), "open" is corrected to read "opened."

§ 117.509 [Amended]

15. On page 17472, § 117.509(a)(4) is corrected by changing "Vermillion" to read "Vermilion."

16. On page 17473:

§ 117.527 [Amended]

In § 117.527, in the first and second sentences, "Main" is corrected to read "Maine."

§ 117.529 [Amended]

In § 117.529, "Main" is corrected to read "Maine."
17. On page 17474:

§ 117.559 [Amended]

In § 117.559, "Wright" in the section heading is corrected to read "Wight."

§ 117.567 [Amended]

In § 117.567, "mile 24.4" is corrected to read "mile 18.5."

§ 117.585 [Amended]

In § 117.585, "Achushnet" in the section heading is corrected to read "Acushnet."

§ 117.587 [Amended]

In § 117.587, "from sunrise to 7:30 a.m., 9:30 a.m., 11:30 a.m., 1 p.m., 4:30 p.m., 6:30 p.m., and one hour after sunset" is corrected to read "from sunrise to 7:30 a.m., 9:30 a.m. to 11:30 a.m. 1 p.m., to 4:30 p.m., and 6:30 p.m. to one hour after sunset."

18. On page 17475:

§ 117.599 [Amended]

In § 117.599(a), "draws of the Northern" is corrected to read "draw of the Northern."

In § 117.599(b), "the drawn shall" is corrected to read "the draws shall" and "with six months" is corrected to read "within six months."

§ 117.601 [Amended]

In § 117.601, "USI" is corrected to read "S16."

§ 117.645 [Amended]

19. On page 17477, the section heading of § 117.645 is corrected by changing "Rouge River" to read "River Rouge."

20. On page 17478:

§ 117.655 [Amended]

In § 117.655, "US23" is corrected to read "Second Avenue."

§ 117.681 [Amended]

In § 117.681, "US90" is removed.

§ 117.705 [Amended]

21. On page 17479, § 117.705 is corrected by changing "shall be open" in the second sentence to read "shall open."

22. On page 17480:

§ 117.713 [Amended]

In § 117.713(b), "District Commander to so" is corrected to read "District Commander to do so."

§ 117.723 [Amended]

In § 117.723, "and Overpeck Creek" in the section heading is removed.

In § 117.723(a)(1), "Snake Hill" is corrected to read "Little Snake Hill."

In § 117.723(a)(3), "must shall open or signal" is corrected to read "shall open on signal."

§ 117.727 [Amended]

In § 117.727, "Brielle Township" is corrected to "Riviera Beach."

§ 117.815 [Amended]

23. On page 17484, § 117.815 is corrected by changing "mile 1.3" to read "mile 1.7."

24. On page 17485:

§ 117.821 [Amended]

In § 117.821(b), "Wrightsville Beach" is corrected to read "Wrightsville."

§ 117.835 [Amended]

In § 117.835, "Herford" is corrected to read "Hertford."

§ 117.841 [Amended]

In § 117.841, "Smiths" in the section heading is corrected to read "Smith" and "US117-S133" is corrected to read "S117-S133."

25. On page 17486:

§ 117.863 [Amended]

In § 117.863, "notice given" is corrected to read "notice is given."

§ 117.871 [Amended]

In § 117.871, second sentence, "ever 10 seconds" is corrected to read "every 10 seconds."

In § 117.889, "Siuslaw" is corrected to read "Suislaw."

§ 117.895 [Amended]

26. On page 17487, the section heading for § 117.895 is corrected by changing "Walluski" to read "Wallooskee."

§ 117.937 [Amended]

27. On page 17488, § 117.937 is corrected by changing "bridge tender's" in the last sentence to read "drawtender's."

28. On page 17490:

§ 117.991 [Amended]

In § 117.991(c), "on quarter mile" is corrected to read "one quarter mile."

In § 117.991(d), "detector bream" is corrected to read "detector beam."

§ 117.1003 [Amended]

In § 117.1003, "if a least 12 hours" is corrected to read "if at least 12 hours."

Dated: September 17, 1984.

T.J. Wojnar,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 84-25311 Filed 9-21-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Wilmington, NC Reg. 84-01]

Safety Zone Regulations: Upper Cape Fear River, NC

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of Old Wilmington Riverfront, Inc., the Coast Guard will close the Cape Fear River to all traffic from the Hilton Bascule Bridge down river to Cape Fear Towing during the period of the annual Riverfest raft race on Sunday, 7 October 1984. The regulations are intended to reduce river congestion and ensure the safety of the participants in the Riverfest raft race.

DATES: This rule becomes effective at 1200, on Sunday, 7 October 1984, and will remain in effect until 1600, on Sunday, 7 October 1984.

FOR FURTHER INFORMATION CONTACT: Lieutenant Kevin C. Olds, Chief, Operations Department, Coast Guard Marine Safety Office, Wilmington, North Carolina, Phone: (919) 343-4892.

SUPPLEMENTARY INFORMATION: On May 4, 1984, the Coast Guard published a proposed rule, COTP Reg. 84-01, concerning this amendment. In this notice interested persons were given until June 18, 1984, to submit comments. No comments were received. This is an annual event and no adverse comments were anticipated.

Drafting Information

The drafter of this notice is Lieutenant Kevin C. Olds, project officer for the Captain of the Port.

Economic Assessment and Certification

This proposed regulation is considered to be non-significant in accordance with DOT Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the period of closure to river traffic will only be four hours. Vessel movement records indicate that commercial river traffic in this area of the Cape Fear River would be minimal during the period of closure and scheduling of commercial vessel movements can be adjusted if necessary to avoid the area during the closure times. The most impact, though non-

economic, will be to the pleasure boat operators who have in past years lined the riverbanks during past raft races. They have in the past created safety hazards and much congestion in this area of the river during the raft race. Based upon this assessment, it is certified in accordance with section 805(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations is amended by adding a new § 165.T501 to read as follows:

§ 165.T501 Safety Zone.

(a) *Location:* The following area is a safety zone: The Northeast Cape Fear River from the Hilton Bascule Bridge down river to Point Peter and the Cape Fear River from Point Peter down river to Cape Fear Towing.

(b) *Regulations:* (1) In accordance with General Regulation in § 165.20 of this part, entry into or remaining in this zone is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 33 CFR 160.5, 49 CFR 1.46)

Dated: September 5, 1984.

D.L. McCord,
Acting CDR, U.S. Coast Guard.

[FR Doc. 84-25313 Filed 9-21-84; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Post-Vietnam Era Veterans Educational Assistance Program; Change of Program

AGENCY: Veterans Administration and Department of Defense.

ACTION: Final regulation.

SUMMARY: This regulation, issued jointly by the VA (Veterans Administration) and the Department of Defense, states that all of the provisions of 38 CFR 21.4234 apply to veterans who are receiving educational assistance under VEAP (the Post-Vietnam Era Veterans' Educational Assistance Program) and who wish to change their program of education. This should eliminate confusion which has arisen in this area.

EFFECTIVE DATE: August 27, 1984.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW., Washington, DC 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: On pages 13892 and 13893 of the *Federal Register* of April 9, 1984 there was published a notice of intent to amend part 21 to clarify the regulation governing changes of program for VEAP recipients.

Interested people were given 30 days to submit comments, suggestions or objections. The VA received no comments, suggestions or objections. Accordingly, the agency is making the proposal final without change.

The VA and the Department of Defense have determined that this regulation is not a major rule as that term is defined by Executive Order 12291, entitled "Federal Regulation". The annual effect on the economy will be less than \$100 million. The regulation will not result in any major increases in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs and the Secretary of Defense hereby certify that this regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this regulation, therefore, is exempt from the initial and final analyses requirements of sections 603 and 604.

This certification can be made because this regulation contains a technical change which does not affect basic VA policy. It will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.120.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: August 8, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Approved: August 27, 1984.

Edgar A. Chavarrie,

Deputy Assistant Secretary of Defense.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

The Veterans Administration is amending 38 CFR Part 21 as set forth below:

Section 21.5232 is revised as follows:

§ 21.5232 Change of program.

In the administration of benefits payable under Chapter 32, title 38, United States Code, the Veterans Administration will apply § 21.4234 in the same manner as it is applied in the administration of Chapters 34 and 36. (38 U.S.C. 1641)

[FR Doc. 84-25337 Filed 9-21-84; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 10

Express Mail International Service to Norway

AGENCY: Postal Service.

ACTION: Final action on Express Mail International Service to Norway.

SUMMARY: Pursuant to an agreement with the postal administration of Norway, the Postal Service intends to begin Express Mail International Service with Norway at postage rates indicated in the tables below. Service is scheduled to begin on October 23, 1984.

EFFECTIVE DATE: October 23, 1984.

FOR FURTHER INFORMATION CONTACT:

Leon W. Perlman [202] 245-4414.

SUPPLEMENTARY INFORMATION: By a notice published in the *Federal Register* on August 20, 1984 (49 FR 33025), the Postal Service announced that it was proposing to begin Express Mail International Service to Norway. Comments were invited on published

rate tables, which are proposed amendments to the International Mail Manual (incorporated by reference in the Code of Federal Regulations, 39 CFR 10.1), and which are to become effective on the date service begins. No comments were received.

Accordingly, the Postal Service states that it intends to begin Express Mail International Service with Norway on October 23, 1984 at the rates indicated in the table below.

List of Subjects in 39 CFR Part 10

Postal service, Foreign relations.

NORWAY.—EXPRESS MAIL INTERNATIONAL SERVICE

Custom designed service ^{1 2}		On demand service ²	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
1	\$28.00	1	\$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40
34	150.10	34	142.10
35	153.80	35	145.80
36	157.50	36	149.50
37	161.20	37	153.20
38	164.90	38	156.90
39	168.60	39	160.60
40	172.30	40	164.30
41	176.00	41	168.00
42	179.70	42	171.70
43	183.40	43	175.40
44	187.10	44	179.10

¹ Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

² Pickup is available under a Service Agreement for an added charge of \$5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and international Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

A transmittal letter making these changes in the pages of the International Mail Manual will be published in the Federal Register as provided in 39 CFR 10.3 and will be transmitted to subscribers automatically.

(39 U.S.C. 401, 404, 407)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84-25247 Filed 9-21-84; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2620-3]

Standards of Performance for New Stationary Sources; Reference Methods; Revision To Method 12 for Inorganic Lead To Add a Method of Additions Procedure

Correction

In FR Doc. 84-21131 beginning on page 33842 in the issue of Friday, August 24, 1984, make the following correction: In column three, the equation at the bottom of the page should read:

$$C_s = C_a \frac{A_s}{A_t - A_s}$$

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 170

[CGD 79-023]

Subdivision and Stability Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects three incorrect definitions in the final rule issued November 4, 1983.

FOR FURTHER INFORMATION CONTACT: Lt. Albert W. Horsmon Jr., Commandant (G-MTH-5/13), Room 1308, U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426-2187.

Discussion of Correction

§ 170.170 [Amended]

In the Federal Register of November 4, 1983, page 51014, some definitions for the coefficient P in the inequality defining GM in § 170.170(a) are incorrect due to typographical errors. The second, third, and fourth definitions for P are corrected to read:

$P = .055 + (L/1309)^2$ metric tons/m² . . . for ocean service, Great Lakes winter service, or service on exposed waters.

$P = .0033 + (L/14,200)^2$ tons/ft² . . . for Great Lakes summer service or service on partially protected waters.

$P = .036 + (L/1309)^2$ metric tons/m² . . . for Great lakes summer service or service on partially protected waters.

Dated: September 18, 1984.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 84-25312 Filed 9-21-84; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

Amendment of Part 1 of the Rules Concerning Practice and Procedure in the Private Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error in the Appendix to an amendment of the rules of practice and procedure in the Private Radio Services.

FOR FURTHER INFORMATION CONTACT: Robert DeYoung, Private Radio Bureau, (202) 632-7175

Mary Beth Hess, Private Radio Bureau, (202) 634-2443

SUPPLEMENTARY INFORMATION:

Erratum

Released: September 17, 1984.

In the matter of amendment of Part 1 of the Rules concerning Practice and Procedure in the Private Radio Services.

On July 24, 1984, the Commission released an Order (FCC 84-323) (August 2, 1984, 49 FR 30943) in the above-captioned proceeding. Section 1.925(f), (g) and (h) were printed incorrectly in the Appendix. Those paragraphs should read:

§ 1.925 Application for special temporary authorization, temporary permit or temporary operating authority.

(f) An applicant for a Ship Radio station license may operate the radio station pending issuance of the ship station authorization by the Commission for a period of 90 days, under a temporary operating authority, evidenced by a properly executed certification made on FCC Form 506-A.

(g) An applicant for a Business Radio station license utilizing an already authorized facility may operate the radio station for a period of 180 days, under a temporary permit, evidenced by

a properly executed certification made on FCC Form 572, after the mailing of a formal application for station license together with evidence of frequency coordination, if required, to the Commission. The temporary operation of stations, other than mobile stations, within the Canadian coordination zone will be limited to stations with a maximum of 5 watts effective radiated power and a maximum antenna height of 20 feet (6.1 meters) above average terrain.

(h) An applicant for a radio station license under Part 90, Subpart M, of this chapter to utilize an already existing Specialized Mobile Radio System (SMRS) facility or to utilize an already licensed transmitter may operate the radio station for a period of up to 180 days, under a temporary permit evidenced by a properly executed certification of FCC Form 572 after the mailing of a formal application for station license, provided that the antenna employed by the control station is a maximum of 20 feet (6.1 meters) above a man-made structure (other than an antenna tower) to which it is affixed.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 84-25264 Filed 9-21-84; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1140

[Ex Parte No. 402]

Reasonably Expected Costs

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: In response to petitions we are modifying the regulations, published at 47 FR 83703, August 4, 1982, governing the computation of "reasonably expected costs" in connection with railroad surcharges on traffic that originates or terminates on light density lines. The modifications: (1) Explicitly provide that reasonably expected costs may be assigned to single-line traffic originating or terminating on the surcharged line and that surcharges may be applied to single-line as well as joint-line traffic; (2) clarify the intent of the existing regulations that the costs and revenues of overhead traffic be excluded from the computation of reasonably expected costs and provide a better method for excluding such costs; and (3) in connection with

computation of the return on investment component of reasonably expected costs, (a) provide for the inclusion in the investment base of a working capital allowance and tax benefits, and (b) specify the use of the real (inflation adjusted) cost of capital and the average value of the investment base during the surcharge period.

EFFECTIVE DATE: These modifications are effective on October 23, 1984.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275-7245
Wayne A. Michel, (202) 275-7657, or
Tom Shick, (202) 275-7972

SUPPLEMENTARY INFORMATION: On August 4, 1982, final rules were issued for calculating the "reasonably expected costs" of operating a line for purposes of light-density line surcharges in accordance with section 217 of the Staggers Rail Act of 1980, 49 U.S.C. 10705a(b). In response to petitions we are reopening the proceeding and modifying the rules (1) to provide explicitly that the surcharge is applicable to, and reasonably expected costs may be assigned to, single-line as well as joint-line traffic originating or terminating on the surcharged line; (2) to clarify the rules to exclude the costs as well as revenues of overhead traffic in the computation of overhead costs, and to provide a better method for excluding such costs; and (3) to compute return on investment by applying the "real" (inflation adjusted) cost of capital to the average value of the investment base during the surcharge period, and to include working capital and tax benefits in the investment base.

A detailed discussion of these and other issues raised by the parties is available in the full decision. To purchase a copy of the full decision contact T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

The changes to these rules will not have a significant economic impact on a substantial number of small entities. The general purpose of the changes is to provide greater accuracy in determining reasonably expected costs.

This action will not significantly affect either the quality of the human environment or energy conservation.

This notice of modification to the Final Rules is issued under 49 U.S.C. 10321, 10362, and 10705a and 5 U.S.C. 553.

Chapter X of Title 49 of the Code of Federal Regulations is amended as detailed in the appendix.

List of Subjects in 49 CFR Part 1140

Railroads, Uniform systems of accounts.

Decided: August 30, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Vice Chairman Andre concurred with a separate expression. Chairman Taylor was absent and did not participate.

James H. Bayne,
Secretary.

Vice Chairman Andre, Concurring:

In the computation of rate of return on investment, I would continue to use the nominal cost of capital rather than the methodology proposed by the majority. See my statement in Ex Parte No. 274 (Sub-No. 5), *Revision of Abandonment Regulations*, 367 I.C.C. 831, 845 (1983).

Appendix

PART 1140—[AMENDED]

49 CFR Part 1140 amended as follows:

1. Section 1140.2 is amended by adding text to follow the existing text in the introductory text of paragraph (b) and to paragraph (b)(7)(i); by revising the introductory text and paragraphs (B) through (E) in paragraph (b)(7)(ii); by revising paragraphs (b)(7)(iii) and (b)(8); by adding text to follow the existing text in paragraph (b)(12)(i); by revising the introductory text and paragraphs (B) through (E) of paragraph (b)(12)(ii); and by revising paragraph (b)(12)(iii) to read as follows:

§ 1140.2 Reasonably expected costs.

(b) * * *

The costs associated with overhead traffic are not considered to be reasonably expected costs of operating the line, and shall not be included in the total cost calculated under § 1140.2 of these regulations. However, in view of the difficulty of identifying and excluding from the operating expense accounts prescribed in § 1140.2 the costs of overhead traffic moving in mixed trains comprised of cars of both overhead traffic and traffic originating and/or terminating on the line, all costs associated with such mixed trains shall be included in such expense accounts and the *pro rata* share of the total costs (other than normalized maintenance) shall be assigned to shipments originating or terminating on the surcharged line through the proration procedures established in § 1140.3. Overhead traffic shall include all shipments that are not originated, terminated, or handled in interchange

with another carrier at any point on the surcharged line segment.

(7) * * *

(i) * * *

An average current replacement cost for the period of the surcharge shall be determined by the surcharging carrier by the method of its choice, so long as the method employed is reasonable, rational and fully explained.

(ii) The current cost of capital used in the calculation of return on investment for locomotives shall be the current before-tax cost of capital, adjusted for inflation, weighted to the capital structure, and adjusted for the effects of the combined statutory Federal and State income tax rates. The current cost of capital, expressed as a percent, shall be calculated as follows:

* * * * *

(B) The current cost of debt shall be the current rate quoted to the railroad for debt instruments normally used by the railroad in financing new equipment purchases, such as bonds, equipment trust certificates, *et cetera*. The current real cost of debt shall be determined in accordance with the following formula:

$$r_d = [(1+n)/(1+i)] - 1$$

where r_d = current real cost of debt, n = the current nominal cost of debt, and i = annual rate of inflation. The annual rate of inflation, as projected by the most recent Gross National Product price deflator published by the Department of Commerce Bureau of Labor Statistics or any other reasonable index of inflation, may be used. Because this is a before-tax rate there is no adjustment for income taxes.

(C) The current nominal after-tax cost of equity shall be an amount equal to that which a prudent investor would expect to earn through investments in the financial marketplace. The current real after-tax cost of equity shall be determined in accordance with the following formula:

$$r_e = [(1+n)/(1+i)] - 1$$

where r_e = current real after-tax cost of equity, and i = the annual rate of inflation. The annual rate of inflation, as projected by the most recent Gross National Product price deflator published by the Department of Commerce Bureau of Labor Statistics or any other reasonable index of inflation, may be used. This current real cost of equity shall be divided by 1 minus the combined statutory Federal and State income tax rates. This will yield the before-tax current real cost of equity capital.

(D) The current before-tax real cost of debt is multiplied by the current percentage of debt to total capital to obtain a weighted real before-tax cost of current debt.

(E) The current before-tax cost of equity is multiplied by the current percentage of equity to total capital to obtain a weighted real before-tax cost of current equity.

* * * * *

(iii) The annual return on investment for each category or type of locomotive shall be calculated by multiplying the average replacement cost developed in paragraph (b)(7)(i) of this section by the current real cost of capital determined in paragraph (b)(7)(ii) of this section.

(8) *Normalized maintenance.* The maintenance-of-way and structure that is assignable to the line shall be the normalized maintenance that is necessary to permit the continuation of the right-of-way and structures in their present condition. Amounts included under this subsection shall only consider the traffic that originates and/or terminates on the surcharged line. In addition to the track and right-of-way this amount shall also include, but not be limited to, the maintenance of highway grade crossings, signal systems, communication systems, tunnels, bridges, culverts, electric power systems, station structures and other facilities that are located on the line. The surcharging railroad must certify at the time it files the surcharges that all amounts that are included for normalized maintenance in the calculation of the surcharge shall be expended within twelve (12) months of the effective date of the surcharge.

* * * * *

(12) * * *

(i) * * *

The investment base shall also include (C) the allowable working capital computed at 15 days cash costs (on-branch costs less depreciation); and (D) the amount of current income tax benefits the carrier could realize were it to abandon the line which would have been applicable to the period of the surcharge. An average investment base value for the period of the surcharge shall be computed by the carrier by the method of its choice, provided that the method employed is reasonable and rational.

(ii) *Rate of Return.* The railroad's cost of capital shall be the current before-tax cost of capital, adjusted for inflation, weighted to the capital structure, and adjusted for the effects of the combined statutory Federal and State income tax rates. This rate of return, expressed as a percent, shall be calculated as follows:

* * * * *

(B) The current nominal cost of debt shall be determined by taking the average of all debt instruments (including bonds, equipment trust

certificates, financial lease arrangements, *et cetera*) issued by the carrier in the most recent 12-month period. The current real cost of debt shall be determined in accordance with the following formula:

$$r_d = [(1+n)/(1+i)] - 1$$

where r_d = current real cost of debt, n = the current nominal cost of debt, and i = annual rate of inflation. The annual rate of inflation, as projected by the most recent Gross National Product price deflator published by the Department of Commerce Bureau of Labor Statistics or any other reasonable index of inflation, may be used. The debt cost calculated by this procedure is a before-tax rate and is not adjusted for income taxes.

(C) The current nominal after-tax cost of equity shall be an amount equal to that which a prudent investor would expect to earn through investments in the financial market place. The current real after-tax cost of equity shall be determined in accordance with the following formula:

$$r_e = [(1+n)/(1+i)] - 1$$

where r_e = current real after-tax cost of equity, and i = the annual rate of inflation. The annual rate of inflation, as projected by the most recent Gross National Product Price deflator published by the Department of Commerce Bureau of Labor Statistics, or any other reasonable index of inflation, may be used. The current after-tax real cost of equity is divided by 1 minus the combined statutory Federal and State income tax rates. This will develop the real cost of equity on a before-tax basis.

(D) This current real before-tax cost of debt is multiplied by the current percentage of debt to total capital to obtain a weighted before-tax real cost of current debt.

(E) The current before-tax cost of equity is multiplied by the current percentage of equity to total capital to obtain a weighted real before-tax cost of current equity.

* * * * *

(iii) *Return on Value:* The return on value that shall be included in the cost of sustaining service is calculated by multiplying the average value of the properties during the surcharge period as determined in paragraph (b)(12)(i) of this section by the rate of return calculated in paragraph (b)(12)(ii)(F) of this section.

* * * * *

2. Section 1140.3 is revised to read as follows:

§ 1140.3 Assignment of reasonably expected costs.

Reasonably expected costs as determined in section 1140.2 of these

regulations shall be assigned to each shipment that originates or terminates on the surcharged line on any basis that is equitable and does not result in any shipper bearing a disproportionate share of the reasonably expected costs. However, the railroad shall not apportion the reasonably expected costs on the basis of the Commission's Rail Form A cost procedure or its successor. In the case where the total reasonably expected costs calculated under § 1140.2 include costs associated with the transportation of overhead traffic contained in mixed trains as defined in § 1140.2, the following procedure shall be employed to assign reasonably expected costs to shipments originating and/or terminating on the line:

(a) The total revenue ton-miles for all traffic (originated and terminated plus overhead traffic in mixed trains) is divided into the revenue ton-miles of shipments that originate and/or terminate on the line to derive the O&T assignment factor.

(b) The adjusted reasonably expected costs shall be determined by subtracting the Normalized Maintenance determined in § 1140.2(b)(8) from the total costs determined under § 1140.2(b).

(c) The reasonably expected costs of O&T traffic shall be determined by multiplying the adjusted reasonably expected costs from paragraph (b) above by the O&T assignment factor from paragraph (a) above and adding to this amount the normalized maintenance from § 1140.2(b)(8).

[FR Doc. 84-25209 Filed 9-21-84; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Wildlife and Fisheries; Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants; Migratory Bird Hunting; Late Seasons, and Bag and Possession Limits for Certain Migratory Game Birds in the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule and correction.

SUMMARY: This rule prescribes the late open seasons, hunting hours, hunting areas, and daily bag and possession limits for general waterfowl seasons; special restrictions to reduce the black duck harvest; special seasons for scaup and goldeneyes; extra scaup and teal in regular seasons; experimental

canvasback seasons; additional sandhill crane seasons in the Central Flyway and in Arizona; coots, gallinules, and snipe in the Pacific Flyway; and additional falconry seasons. Taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The rules will permit taking of the designated species during the 1984-85 season within specified periods of time beginning as early as September 29 and benefit the public by opening the seasons which are presently closed.

On September 14, 1984, (49 FR 36272), the Service published in the *Federal Register* Final Frameworks for Late Season Migratory Bird Hunting Regulations. The Service corrects its response to public comments on the National Wildlife Federation petition on lead shot. The following corrections are made in 49 FR 36272 issued on September 14, 1984:

1. On page 36275 in the middle of column two, " * * * the Service has had a rider attached to its appropriation bill which * * * " is corrected to read " * * * the Department of the Interior's Appropriation Act language * * * "

2. On page 36275 near the bottom of column three, "Because the resources available for the endangered species recovery program are not inexhaustible, the Service felt it was justified in * * * " is corrected to read "The Service has been * * * "

EFFECTIVE DATE: September 24, 1984.

FOR FURTHER INFORMATION CONTACT: Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C., telephone 202-254-3207.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

On March 23, 1984, the U.S. Fish and Wildlife Service (hereinafter the Service) published for public comment in the *Federal Register* (49 FR 11120) a proposal to amend 50 CFR Part 20, with comment periods ending June 21, July 16 (later extended to July 18) and August 17 (later extended to August 29), 1984, respectively, for the 1984-85 hunting

season frameworks proposed for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; other early seasons; and the late hunting season frameworks. That document dealt with the establishment of hunting seasons, hours, areas, and limits for migratory game birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. On June 13, 1984, the Service published in the *Federal Register* (49 FR 24417) a second document consisting of a supplemental proposed rulemaking dealing with both the early and late season frameworks. On July 9, 1984, the Service published for public comment in the *Federal Register* (49 FR 28026) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early season migratory bird hunting regulations. On July 19, 1984, the Service published in the *Federal Register* (49 FR 29238) a fourth document containing final frameworks for Alaska, Puerto Rico, and the Virgin Islands. On August 7, 1984, the Service published a fifth document (49 FR 31421) containing final frameworks for the early season migratory bird hunting regulations from which State wildlife conservation agency officials selected early season hunting dates, hours, areas, and limits for the 1984-85 season. On August 20, 1984, the Service published for public comment in the *Federal Register* (49 FR 33090) a sixth document consisting of a proposed rulemaking dealing specifically with frameworks for late season migratory bird hunting regulations. On August 31, 1984, the Service published in the *Federal Register* (49 FR 34648) a seventh document consisting of a final rule amending Subpart K of 50 CFR Part 20 to set hunting seasons, hours, areas, and limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in Florida, Iowa, Kentucky and Tennessee; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in southwestern Wyoming; migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and special falconry seasons. On September 14, 1984, the Service published in the *Federal Register* an eighth document (49 FR 36272) consisting of a final rulemaking for the late season frameworks for migratory game bird hunting regulations from which State wildlife conservation agency officials selected late season hunting dates, hours, areas, and limits for the 1984-85 season.

The final rule described here is the ninth in a series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations and deals specifically with amending Subpart K of 50 CFR Part 20 to set hunting seasons, hours, areas and limits for species subject to late hunting regulations.

These regulations will take effect immediately upon publication.

These regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Nontoxic Shot Regulations

On August 13, 1981, the Service published in the *Federal Register* (46 FR 40879) final rules describing nontoxic shot zones for waterfowl hunting. When eaten by waterfowl, spent lead pellets can have a toxic effect. Nontoxic shot zones reduce availability of lead pellets in selected waterfowl feeding areas.

Amendments to these regulations were published in the *Federal Register* (47 FR 32548; July 28, 1982 and 48 FR 26457; June 8, 1983). These amendments relate to changes in Indiana, Maine, Massachusetts, Nebraska, Michigan, Illinois, Florida, and Texas.

Waterfowl hunters are advised to become familiar with State and local regulations regarding the use of nontoxic shot for waterfowl hunting.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES-75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the *Federal Register* on June 13, 1975 (40 FR 24241). In addition, several environmental assessments, including a recent one concerning eastern population whistling swans, have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement.

Copies of assessments are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" [and] " * * * by taking such action necessary to insure that any action authorized, funded, or carried out * * *

is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical." The Service therefore initiated section 7 consultation under the Endangered Species Act for the proposed hunting season frameworks.

On July 5, 1984, the Chief, Office of Endangered Species (OES), concluded that the proposed actions were not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitats. As noted in the August 20, 1984, *Federal Register* (at 49 FR 33097) the Service reinitiated section 7 consultation on the proposed 1984-85 migratory game bird regulations in response to information submitted by the National Wildlife Federation regarding secondary lead poisoning of bald eagles. The reinitiated consultation was completed on August 27, 1984, and found that the proposed migratory bird regulations were not likely to jeopardize the continued existence of the listed bald eagle. In a supplemental biological opinion dated September 6, 1984, the OES considered actions proposed to be taken by the Service in regard to its authorities for the conservation of listed species under section 7(a)(1) of the Endangered Species Act. The OES believed the measures proposed were timely and appropriate. A second revised supplemental opinion was issued by OES on September 10, 1984, which concluded that the proposed migratory bird regulations were not likely to jeopardize, even on a regional basis, the continued existence of the listed bald eagle.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species.

The Service's biological opinion resulting from its consultation under section 7 is considered a public document and is available for public inspection in or available from the Office of Endangered Species and the Office of Migratory Bird Management, Department of the Interior, Washington, D.C.

Regulatory Flexibility Act and Executive Order 12291

In the *Federal Register* dated March 23, 1984 (at 49 FR 11120), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included

preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Memorandum of Law

The Service published its Memorandum of Law, required by section 4 of Executive Order 12291, in the *Federal Register* dated July 19, 1984 (at 49 FR 29238).

Authorship

The primary author of this final rule is Morton M. Smith, Office of Migratory Bird Management, working under the direction of Rollin D. Sparrowe, Chief.

Regulations Promulgation

After analysis of the migratory game bird survey data obtained through investigations conducted by the Service, State conservation agencies, and other sources, and consideration of all comments received on the late season proposals (49 FR 11120, March 23, 1984; 49 FR 24417, June 13, 1984; and 49 FR 33090, August 20, 1984), the Service published in the *Federal Register* on September 14, 1984 (49 FR 36272) final late season frameworks. Copies of the final frameworks were sent to the officials of the State conservation agencies who were invited to submit recommendations for hunting seasons which complied with the season times and lengths, hours, areas, and limits specified in the frameworks.

The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The following amendments will permit taking of the designated species within specified time periods beginning as early as September 29 and benefit the public by relieving existing restrictions.

The rulemaking process for migratory game bird hunting, must, by its nature, operate under severe time constraints. However, the Service intends that the public be given the greatest possible opportunity to comment on the regulations. Thus, when proposed rulemakings were published on March 23, June 13, and August 20, 1984, the Service established what it believed

were the longest periods possible for public comment. In doing this, the Service recognized that when the comment period closed time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the States would have insufficient time to select their season dates, shooting hours, hunting areas, and limits; to

communicate those selections to the Service; and to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. (d)(3) (Administrative Procedure Act), and these regulations will, therefore, take effect immediately upon publication.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports,
Transportation, Wildlife.

Dated: September 20, 1984.

J. Craig Potter,

*Acting Assistant Secretary for Fish and
Wildlife and Parks.*

BILLING CODE 4310-55-M

PART 20—MIGRATORY BIRD HUNTING

Accordingly, each State conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, certain sections of Title 50, Chapter I, Subchapter B, Part 20, Subpart K, are hereby corrected and amended.

The hunting season regulations will not be included in the annual codification of Title 50 CFR, Wildlife and Fisheries, inasmuch as most seasons will have terminated by the time that the annual codification is issued.

Section 20.104 is revised to read as follows:

§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are as follows:

	Rails (Sora & Virginia)	Rails (Clapper & King)	Woodcock	Common Snipe
Daily bag limit.....	25 (1)	See footnote (2).	5	8
Possession limit.....	25 (1)	See footnote (2).	10	16
Shooting Hours: One-half hour before sunrise until sunset daily on all species, except as noted otherwise.				

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS.

Seasons in the Atlantic Flyway:

Connecticut.....	Sept. 1-Nov. 9.	Sept. 1-Nov. 9.	Oct. 20-Dec. 1.	Oct. 20-Dec. 1.
Delaware.....	Sept. 1-Nov. 9.	Sept. 1-Nov. 9.	Oct. 15-Oct. 27 & Nov. 19-Jan. 9.	Oct. 15-Oct. 27 & Nov. 19-Jan. 31.
Florida.....	Sept. 1-Nov. 9.	Sept. 1-Nov. 9.	Dec. 1-Feb. 3.	Nov. 3-Feb. 17.
Georgia.....	Sept. 12-Nov. 20.	Sept. 12-Nov. 20.	Nov. 20-Jan. 23.	Nov. 20-Feb. 28.
Maine.....	Sept. 1-Nov. 9.	Closed.	Oct. 1-Nov. 30.	Sept. 1-Dec. 16.
Maryland.....	Sept. 1-Nov. 9.	Sept. 1-Nov. 9.	Oct. 15-Nov. 23 & Dec. 7-Dec. 31.	Oct. 1-Jan. 15.
Massachusetts.....	Sept. 1-Nov. 9.	Closed.	Oct. 10-Nov. 24(4)	Sept. 1-Dec. 15.
New Hampshire.....	Closed.	Closed.	Oct. 1-Dec. 4.	Oct. 1-Dec. 4.
New Jersey:				
North Zone (5).....	Sept. 1-Nov. 9.	Sept. 1-Nov. 9.	Oct. 6-Nov. 29.	Oct. 6-Jan. 19.
South Zone (5).....	Sept. 1-Nov. 9.	Sept. 1-Nov. 9.	Oct. 27-Dec. 1 & Dec. 15-Jan. 2.	Oct. 6-Jan. 19.
New York (5):				
Long Island.....	Closed.	Closed.	Oct. 1-Nov. 23.	Closed.
Remainder of State.....	Sept. 1-Nov. 9.	Closed.	Oct. 1-Nov. 23.	Sept. 1-Nov. 23.
North Carolina.....	Sept. 6-Nov. 14.	Sept. 6-Nov. 14.	Nov. 12-Jan. 15.	Nov. 12-Feb. 26.
Pennsylvania.....	Sept. 1-Nov. 9.	Closed.	Oct. 20-Nov. 10(3)	Oct. 20-Dec. 15.
Rhode Island.....	Sept. 15-Nov. 23.	Sept. 15-Nov. 23.	Oct. 20-Dec. 7 & Dec. 17-Jan. 1(3)	Sept. 15-Dec. 7 & Dec. 17-Jan. 8.
South Carolina.....	Sept. 21-Oct. 27 & Nov. 20-Dec. 22.	Sept. 21-Oct. 27 & Nov. 20-Dec. 22.	Nov. 22-Jan. 25.	Nov. 14-Feb. 28.
Vermont.....	Sept. 29-Dec. 7.	Closed.	Oct. 1-Dec. 4.	Sept. 29-Dec. 7.
Virginia.....	Sept. 8-Nov. 16.	Sept. 8-Nov. 16.	Oct. 29-Jan. 1.	Oct. 17-Jan. 31.
West Virginia.....	Sept. 3-Nov. 11.	Closed.	Oct. 13-Dec. 16.	Sept. 3-Dec. 18.

Seasons in the Mississippi Flyway:

Alabama (6).....	Nov. 12-Jan. 20.	Nov. 12-Jan. 20.	Nov. 28-Jan. 31.	Nov. 14-Feb. 28.
Arkansas.....	Sept. 1-Nov. 9.	Closed.	Nov. 3-Jan. 6.	Nov. 17-Feb. 28.
Illinois.....	Sept. 1-Nov. 9.	Closed.	Oct. 1-Dec. 4.	Sept. 8-Dec. 23.
Indiana.....	Sept. 1-Nov. 9.	Closed.	Sept. 22-Nov. 25.	Sept. 1-Dec. 18.
Iowa (7).....	Sept. 1-Nov. 9.	Closed.	Sept. 15-Nov. 18.	Sept. 1-Dec. 16.
Kentucky.....	Nov. 20-Jan. 20.	Closed.	Oct. 1-Dec. 4.	Oct. 1-Dec. 4.
Louisiana.....	Sept. 22-Sept. 30 & Nov. 3-Jan. 2.	Sept. 22-Sept. 30 & Nov. 3-Jan. 2.	Dec. 8-Feb. 10.	Nov. 3-Feb. 17.
Michigan (8).....	Sept. 15-Nov. 14.	Closed.	Sept. 15-Nov. 14.	Sept. 15-Nov. 14.
Minnesota.....	Sept. 1-Nov. 4.	Closed.	Sept. 1-Nov. 4.	Sept. 1-Nov. 4.
Mississippi.....	Oct. 20-Dec. 28.	Oct. 20-Dec. 28.	Dec. 22-Feb. 24.	Nov. 10-Feb. 24.
Missouri.....	Sept. 1-Nov. 9.	Closed.	Oct. 1-Dec. 4.	Oct. 1-Dec. 4.
Ohio.....	Sept. 1-Nov. 9.	Closed.	Sept. 21-Nov. 24.	Sept. 1-Nov. 24 &

Tennessee.....	Dec. 2-Jan. 20.	Closed.	Oct. 13-Nov. 18 & Feb. 1-Feb. 28.	Dec. 7-Dec. 28. Nov. 19-Feb. 28.
Wisconsin:				
North Duck				
Zone (5).....	Oct. 1 (noon)- Nov. 19.	Closed.	Sept. 15-Nov. 18.	Oct. 1 (noon)- Nov. 19.
South Duck				
Zone (5).....	Oct. 1 (noon)-7 & Oct. 13-Nov. 24.	Closed.	Sept. 15-Nov. 18.	Oct. 1 (noon)-7 & Oct. 13-Nov. 24.
Seasons in the Central Flyway:				
Colorado (9).....	Sept. 1-Nov. 9	Closed.	Closed.	Sept. 1-Nov. 9 & Dec. 8-Dec. 30.
Kansas.....	Sept. 15-Nov. 23.	Closed.	Oct. 1-Dec. 4.	Sept. 15-Dec. 30.
Montana (9).....	Closed.	Closed.	Closed.	Sept. 29-Nov. 27.
Nebraska (10).....	Sept. 1-Nov. 9.	Closed.	Sept. 15-Nov. 18.	Sept. 1-Dec. 15.
New Mexico (9).....	Sept. 8-Nov. 16.	Closed.	Closed.	Sept. 8-Dec. 9.
North Dakota.....	Closed.	Closed.	Closed.	Sept. 29-Nov. 27.
Oklahoma.....	Sept. 1-Nov. 9.	Closed.	Nov. 20-Jan. 23.	Oct. 20-Feb. 3.
South Dakota (11)....	Closed.	Closed.	Closed.	Sept. 1-Oct. 31.
Texas.....	Sept. 1-Nov. 9.	Sept. 1-Nov. 9.	Nov. 24-Jan. 27.	Nov. 1-Feb. 12.
Wyoming (9).....	Sept. 22-Nov. 30.	Closed.	Closed.	Sept. 22-Jan. 6.
Seasons in the Pacific Flyway:				
Arizona.....	Closed.	Closed.	Closed.	Oct. 17-Jan. 17.
California:				
Northeastern				
Zone (5).....	Closed.	Closed.	Closed.	Oct. 13-Jan. 6.
Colorado River				
Zone (5).....	Closed.	Closed.	Closed.	Oct. 17-Jan. 17.
Remainder of				
State.....	Closed.	Closed.	Closed.	Oct. 20-Jan. 13.
Colorado (9).....	Sept. 1-Nov. 9	Closed.	Closed.	Sept. 1-Nov. 9 & Dec. 8-Dec. 30.
Idaho:				
Columbia				
Basin (5).....	Closed.	Closed.	Closed.	Oct. 6-Jan. 13.
Remainder of				
State.....	Closed.	Closed.	Closed.	Oct. 6-Jan. 6.
Montana (9).....	Closed.	Closed.	Closed.	Sept. 29-Dec. 30.
Nevada:				
Clark County.....	Closed.	Closed.	Closed.	Oct. 20-Jan. 20.
Remainder of				
State.....	Closed.	Closed.	Closed.	Oct. 6-Jan. 6.
New Mexico (9).....	Sept. 8-Nov. 16.	Closed.	Closed.	Sept. 8-Dec. 9.
Oregon.....	Closed.	Closed.	Closed.	Oct. 13-Jan. 13.
Utah (12).....	Closed.	Closed.	Closed.	Oct. 13-Jan. 6.
Washington:				
Eastern Washing-				
ton (5), (12).....	Closed.	Closed.	Closed.	Oct. 13-Jan. 20.
Western Washing-				
ton (5), (12).....	Closed.	Closed.	Closed.	Oct. 13-Jan. 13.
Wyoming (9).....	Sept. 22-Nov. 30.	Closed.	Closed.	Sept. 22-Dec. 23.

(1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.

(2) In addition to the limits on sora and Virginia rails, in Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 clapper and king rails, singly or in the aggregate of these two species, except that the season is closed on king rails in New Jersey by State regulation. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 clapper and king rails, singly or in the aggregate of these two species.

(3) Limits are 3 daily and 6 in possession.

(4) Limits are 2 daily and 4 in possession.

(5) For description of zones or management units within a State, see State regulations.

(6) In Alabama, the rail limits are 15 daily and 15 in possession.

(7) In Iowa, shooting hours are sunrise to sunset. Rail limits are 15 daily and 25 in possession.

(8) See State regulations for listing of certain Great Lakes waters where the season is to open concurrently with the duck season.

(9) The Central Flyway portion consists of: Colorado and Wyoming — the area lying east of the Continental Divide; Montana — the area lying east of Hill, Chouteau, Cascade, Meagher, and Park Counties; New Mexico — the area lying east of the Continental Divide but outside the Jicarilla Apache Indian Reservation. The remaining portions of these States are in the Pacific Flyway.

(10) In Nebraska the rail limits are 10 daily and 20 in possession.

(11) In South Dakota, the snipe limits are 5 daily and 15 in possession.

(12) In Utah and Eastern Washington, on the first day, the season opens at 12 noon; and in Western Washington, on the first day, the season opens at 8 a.m.

Section 20.105 is amended to read as follows:

§20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) Waterfowl, coots and gallinules in Atlantic, Mississippi, Central, and Pacific Flyways.

ATLANTIC FLYWAY

The Atlantic Flyway includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and West Virginia.

Flywaywide Restrictions.

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

Black ducks — bag limits and seasons shown separately, but when the black duck is permitted in the daily bag, it is part of the daily and possession limits for ducks.

Wood ducks — No more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be possessed. Exceptions: during duck seasons prior to October 16, in Georgia, North Carolina, South Carolina, and Virginia. See State footnotes.

Hooded mergansers — In States selecting conventional regulations, no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be possessed.

Canvasbacks and redheads — Except in closed areas, the limit on canvasbacks is 1 daily and 1 in possession. The limit on redheads throughout the flyway is 2 daily, except that in areas open to canvasback harvest the daily bag limit is 2 redheads, or 1 redhead and 1 canvasback. The canvasback possession limit is equal to the daily bag limit. The possession limit on redheads is twice the daily bag limit under conventional regulations. Under the point system, canvasbacks (except in closed areas) count 100 points each and redheads flywaywide count 70 points each. Areas closed to canvasback hunting are:

New York — Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls. All waters of Lake Cayuga.

New Jersey — Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

Maryland, Virginia and North Carolina — Those portions of the State lying east of U.S. Highway 1.

Portions of these areas otherwise closed to taking of canvasback, are open to hunting of canvasback at the end of the regular season State permits required in Maryland, New Jersey, New York and North Carolina. See sections below for these States for seasons and bag limits.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season Dates	Limits	
		Bag	Possession
<u>Connecticut</u>			
Ducks:			
North Zone (1)			
Black Ducks	Nov. 21-Dec. 25	1	2
Ducks	Oct. 20-Nov. 3 & Nov. 21-Dec. 25.	5	10
Extra teal during regular season	Oct. 1-Oct. 6.	2(2)	4(2)

South Zone (1)			
Black Ducks	Nov. 30-Jan. 12.	1	2
Ducks	Oct. 1-Oct. 6 & Nov. 30-Jan. 12.	5	10
Scaup-only season (3)	Jan. 16-Jan. 31.	5	10
Extra teal during regular season	Oct. 1-Oct. 6.	2(2)	4(2)
Sea ducks (4)(5)(6)	Sept. 21-Jan. 5.	7	14
Mergansers		5	10
Coots		15	30
Gallinules	Sept. 1-Nov. 9.	15	30
Geese:			
North Zone	Oct. 20-Jan. 17.		
South Zone	Nov. 3-Jan. 31.		
Canada		3	6
Snow (including blue)		4	8
Brant:		4	8
North Zone	Oct. 20-Nov. 3 & Nov. 21-Dec. 25.		
South Zone	Nov. 30-Jan. 18.		
Delaware:			
Ducks:			
Black Ducks	Nov. 22-Jan. 1.	1	2
Ducks	Oct. 1-Oct. 3 & Oct. 29-Nov. 3 & Nov. 22-Jan. 1.	5	10
Extra teal during regular season	Oct. 1-Oct. 3. Oct. 29-Nov. 3.	2(2)	4(2)
Extra scaup during regular season	Oct. 1-Oct. 3 & Oct. 29-Nov. 3 & Nov. 22-Jan. 1.	2(2)	4(2)
Sea ducks(4)(5)(6)	Sept. 22-Jan. 5.	7	14
Mergansers		5	10
Coots		15	30
Gallinules	Sept. 1-Nov. 9.	15	30
Geese:			
Canada	Oct. 29-Nov. 17 & Nov. 22-Jan. 30.	4	8
Snow (including blue)	Oct. 29-Nov. 17 & Nov. 22-Jan. 30.	4	8
Brant	Dec. 1-Jan. 19.	4	8
Florida			
Ducks, no more than 1 of which may be a species other than teal or wood-ducks, and the possession limit will be double the daily bag limit	Sept. 22-Sept. 26	4	8
Ducks:			
Scaup-only season(3)	Nov. 21-Dec. 2 & Dec. 14-Jan. 20.	Point system.	
Coots	Jan. 21-Jan. 31	5	10
Gallinules (7)		15	30
Geese	Sept. 1-Nov. 9. Closed.	15	30
Georgia			
Black Ducks			
	Oct. 12-Oct. 14 & Nov. 22-Nov. 25 & Dec. 8-Jan. 19.	1	2
Ducks	Oct. 12-Oct. 14 & Nov. 22-Nov. 25 & Dec. 8-Jan. 19.	5	10(8)
Extra teal during regular season	Oct. 12-Oct. 14.	2(2)	4(2)
Extra scaup during regular season (27)	Oct. 12-Oct. 14 & Nov. 22-Nov. 25 & Dec. 8-Jan. 19.	2(2)	4(2)
Sea ducks(4)(5)(6)	Nov. 22-Jan. 19.	7	14
Mergansers		5	10
Coots		15	30
Gallinules	Oct. 12-Oct. 14 & Nov. 22-Nov. 25 & Dec. 8-Jan. 19.	15	30

Geese	Closed.	-	-
Brant	Closed.	-	-
<u>Maine</u>			
North Zone (Wildlife Management Units 1-5)			
Black Ducks	Oct. 15-Nov. 19.	1	2
Ducks	Oct. 1-Nov. 19	5	10
Extra teal during regular season	Oct. 1-Oct. 9.	2(2)	4(2)
South Zone (Wildlife Management Units 6-8)			
Black Ducks	Nov. 14-Dec. 17	1	2
Ducks	Oct. 1-Oct. 15 & Nov. 14-Dec. 17.	5	10
Extra teal during regular season	Oct. 1-Oct. 9.	2(2)	4(2)
Extra scaup during regular season (9)	Oct. 28-Nov. 12.	2(2)	4(2)
Sea ducks(4)(5)(6)	Oct. 1-Jan. 15.	7	14
Mergansers		5	10
Coots		15	30
Gallinules	Sept. 1-Nov. 9.	15	30
Geese:			
including no more than:			
Canada	Oct. 1-Dec. 9	3	6
Snow (including blue)	Oct. 1-Dec. 29.	4	8
Brant	Oct. 1-Nov. 19.	4	8

Maryland

Ducks		Point system	
Inland Zone (1)			
Black Ducks	Dec. 17-Jan. 10.		
Ducks	Oct. 19-Nov. 3 & Dec. 17-Jan. 19.		
Coastal Zone (1)			
Black Ducks	Nov. 13-Nov. 23 & Dec. 10-Jan. 10.		
Ducks	Nov. 6-Nov. 23 & Dec. 10-Jan. 10.		
Canvasback Ducks	Jan. 5-Jan. 10.	Point system (10)	
Scaup only season (in sea duck zone)(3)	Nov. 26-Dec. 8.	5	10
Sea ducks(4)(5)(6)	Oct. 5-Jan. 19.	7	14
Coots		15	30
Gallinules	Sept. 1-Nov. 9.	15	30
Geese:			
Canada:			
Delmarva Peninsula (11)	Oct. 19-Nov. 23 & Dec. 10-Jan. 31.	3	6
Remainder of State	Nov. 2-Nov. 23 & Dec. 3-Jan. 19.	3	6
Snow (including blue)	Oct. 19-Nov. 23 & Dec. 10-Jan. 31.	4	8
Brant	Nov. 6-Nov. 23 & Dec. 10-Jan. 10.	4	8

Massachusetts

Ducks:			
Western Zone (1)			
Black Ducks	Oct. 15-Dec. 3.	1	2
Ducks	Oct. 15-Dec. 3.	5	10
Extra teal during regular season	Oct. 15-Oct. 23.	2(2)	4(2)
Coastal Zone (1)			
Black Ducks	Oct. 22-Oct. 27 & Nov. 19-Dec. 5 & Dec. 16-Jan. 1.	2	4
Ducks	Oct. 22-Oct. 27 & Nov. 19-Jan. 1.	4	8
Extra teal during regular season	Oct. 22-Oct. 27.	2(2)	4(2)
Central Zone (1)			
Black Ducks	Oct. 22-Nov. 10 & Nov. 22-Dec. 21.	1	2
Ducks	Oct. 22-Nov. 10 & Nov. 22-Dec. 21.	5	10

Extra teal during regular season	Oct. 22-Oct. 30.	2(2)	4(2)
Scaup-only season(3)	Jan. 4-Jan. 19.	5	10
Sea ducks(4)(5)(6)	Oct. 1-Jan. 15.	7	14
Mergansers		5	10
Coots		15	30
Gallinules	Sept. 1-Nov. 9.	15	30
Geese:			
Western Zone (1)	Oct. 15-Dec. 22.		
Coastal Zone (1)	Oct. 22-Oct. 27 & Nov. 19-Jan. 19.		
Central Zone (1)	Oct. 22-Nov. 10 & Nov. 22-Jan. 10.		
Canada		3	6
Snow (including blue)		4	8
Brant:			
Inland & Central Zone	Closed		
Coastal Zone	Nov. 19-Jan. 7.	4	8
<u>New Hampshire</u>			
Ducks:			
Inland Zone (1)			
Black Ducks	Oct. 1-Nov. 4 & Nov. 17-Dec. 1.	1	2
Ducks	Oct. 1-Nov. 4 & Nov. 17-Dec. 1.	5	10
Extra teal during regular season	Oct. 1-Oct. 9.	2(2)	4(2)
Extra scaup during regular season	Oct. 6-Oct. 14 & Nov. 16-Dec. 26.	2(2)	4(2)
Coastal Zone (1)			
Black Ducks	Nov. 16-Dec. 26.	2	4
Ducks	Oct. 6-Oct. 14 & Nov. 16-Dec. 26.	4	8
Extra teal during regular season	Oct. 6-Oct. 14.	2(2)	4(2)
Extra scaup during regular season	Oct. 6-Oct. 14 & Nov. 16-Dec. 26.	2(2)	4(2)
Sea ducks(4)(5)(6)	Sept. 15-Dec. 30.	7	14
Mergansers		5	10
Coots		15	30
Gallinules	Closed.		
Geese:			
Canada		3	6
Inland Zone	Oct. 1-Dec. 9.		
Coastal Zone	Oct. 6-Oct. 14 & Nov. 1-Dec. 31.		
Snow (including blue)		4	8
Inland Zone	Oct. 1-Dec. 29.		
Coastal Zone	Oct. 6-Jan. 3.		
Brant:		4	8
Inland Zone	Oct. 1-Nov. 19.		
Coastal Zone	Oct. 6-Oct. 14 & Nov. 1-Dec. 11.		
<u>New Jersey</u>			
Ducks:			
North Zone (1)			
Black Ducks	Oct. 6-Oct. 20 & Nov. 22-Dec. 26.		
Ducks	Oct. 6-Oct. 20 & Nov. 22-Dec. 26.		
South Zone (1)			
Black Ducks	Oct. 13-Oct. 20 & Nov. 22-Jan. 2.		
Ducks	Oct. 13-Oct. 20 & Nov. 22-Jan. 2.		
Coastal Zone (1)			
Black Ducks	Oct. 27-Nov. 3 & Nov. 21-Jan. 1.		
Ducks	Oct. 27-Nov. 3 & Nov. 21-Jan. 1.		
Canvasback Ducks	Dec. 22-Jan. 1.		
Scaup only season (3)	Jan. 4-Jan. 19.	5	10

Point system

Point system (10)

Sea ducks(4)(5)(6)	Oct. 6-Jan. 19.	7	14
Coots		15	30
Gallinules	Sept. 1-Nov. 9.	15	30
Geese:			
Canada			
North Zone (1)	Oct. 6-Oct. 29 & Nov. 22-Jan. 26.	4	8
South Zone (1)	Oct. 13-Oct. 31 & Nov. 22-Jan. 31.		
Coastal Zone (1)	Oct. 6-Nov. 3 & Nov. 21-Jan. 19.		
Snow (including blue)	Oct. 13-Jan. 10.	4	8
Brant	Oct. 27-Nov. 3 & Nov. 21-Jan. 1.	4	8
New York			
Long Island Zone:			
Ducks:			
Black ducks	Nov. 14-Jan. 2.	1	2
Ducks	Nov. 14-Jan. 2.	5	10
Scaup, only season(3)	Jan. 12-Jan. 27.	5	10
Extra teal during regular season	Nov. 14-Nov. 22.	2(2)	4(2)
Sea ducks (4)(5)(6)	Sept. 23-Jan. 7.	7	14
Mergansers		5	10
Coots		15	30
Geese:	Nov. 14-Jan. 31.		
Canada		3	6
Snow (including blue)		4	8
Brant	Nov. 14-Jan. 2.	4	8
Lake Champlain Area: (12)			
Ducks:			
Black Ducks	Oct. 15-Nov. 28.	1	2
Ducks	Oct. 10-Nov. 28.	5	10
Wood duck	Oct. 10-Nov. 28.	2	4
Special scaup and goldeneye season (13)	Dec. 1-Dec. 16.	3	6
Extra teal during regular season	Oct. 10-Oct. 18.	2(2)	4(2)
Mergansers		5	10
Coots		15	30
Gallinules	Sept. 1-Nov. 9.	15	30
Geese	Oct. 10-Dec. 18.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 10-Nov. 28.	4	8
Northeastern Zone (1):			
Ducks:			
Black Ducks	Oct. 3-Oct. 28.	1	2
Ducks	Oct. 3-Oct. 28 & Nov. 9-Dec. 2.	5	10
Extra teal during regular season	Oct. 3-Oct. 11.	2(2)	4(2)
Extra scaup during regular season	Oct. 3-Oct. 28 & Nov. 9-Dec. 2.	2(2)	4(2)
Mergansers		5	10
Coots		15	30
Gallinules	Sept. 1-Nov. 9.	15	30
Geese:	Oct. 3-Dec. 31.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 3-Nov. 21.	4	8
Southeastern Zone (1):			
Ducks:			
Black Ducks	Oct. 10-Oct. 21 & Nov. 9-Nov. 21.	1	2
Ducks	Oct. 10-Oct. 21 & Nov. 9-Dec. 16.	5	10
Extra teal during regular season	Oct. 10-Oct. 18.	2(2)	4(2)
Extra scaup during regular season	Oct. 10-Oct. 21 & Nov. 9-Dec. 16.	2(2)	4(2)
Mergansers		5	10
Coots		15	30
Gallinules	Sept. 1-Nov. 9.	15	30

Geese:	Oct. 3-Dec. 31.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 3-Nov. 21	4	8
Western Zone (1):			
Ducks:			
Black Ducks	Oct. 10-Nov. 15	1	2
Ducks	Oct. 10-Nov. 15 & Dec. 21-Jan. 2	5	10
Extra teal during regular season	Oct. 10-Oct. 18.	2(2)	4(2)
Extra scaup during regular season	Oct. 10-Nov. 15 & Dec. 21-Jan. 2.	2(2)	4(2)
Canvasback ducks	Dec. 23-Jan. 2.	4	8(14)
Mergansers		5	10
Coots		15	30
Gallinules	Sept. 1-Nov. 9.	15	30
Geese:	Oct. 3-Dec. 31.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 3-Nov. 21.	4	8
North Carolina			
Ducks:			
Black Ducks	Dec. 27-Jan. 19.	1	2
Ducks	Oct. 4-Oct. 6 & Nov. 22-Nov. 24 & Dec. 7-Jan. 19.	5	10(8)
Canvasback ducks	Jan. 9-Jan. 19.	4	8(14)
Extra scaup during regular season (15)	Oct. 4-Oct. 6 & Nov. 22-Nov. 24 & Dec. 7-Jan. 19.	2(2)	4(2)
Extra teal during regular season	Oct. 4-Oct. 6 & Nov. 22-Nov. 24 & Dec. 7-Dec. 8.	2(2)	4(2)
Sea ducks(4)(5)(6)	Oct. 5-Jan. 19.	7	14
Mergansers		5	10
Coots		15	30
Gallinules	Sept. 6-Nov. 14.	15	30
Geese:			
Canada	Dec. 20-Jan. 31.	1	2
Snow (including blue)	Nov. 3-Jan. 31.	4	8
Brant	Oct. 4-Oct. 6 & Nov. 22-Nov. 24 & Dec. 7-Jan. 19.	4	8
Pennsylvania			
Ducks:			
North Zone (1)			
Black Ducks	Oct. 29-Nov. 17.	1	2
Ducks	Oct. 6-Nov. 24.	5	10
Extra teal during regular season	Oct. 6-Oct. 13.	2(2)	4(2)
South Zone (1)			
Black Ducks	Nov. 12-Dec. 3.	1	2
Ducks	Oct. 22-Oct. 31 & Nov. 12-Dec. 21.	5	10
Extra teal during regular season	Oct. 22-Oct. 29.	2(2)	4(2)
Northwest Zone (1)			
Black Ducks	Oct. 29-Dec. 1.	1	2
Ducks	Oct. 13-Oct. 20 & Oct. 29-Dec. 8.	5	10
Extra teal during regular season	Oct. 13-Oct. 20.	2(2)	4(2)
Lake Erie Zone (1)			
Black Ducks	Oct. 27-Dec. 1.	1	2
Ducks	Oct. 27-Dec. 15.	5	10
Extra teal during regular season	Oct. 27-Nov. 3.	2(2)	4(2)
Mergansers		5	10
Coots		15	30
Gallinules	Sept. 1-Nov. 9.	15	30

Geese:			
Canada and		3	6
Snow (including blue)		3	6
North Zone (1)	Oct. 6-Dec. 14.		
South Zone (1)	Oct. 13-Dec. 21.		
Northwest Zone (1)	Oct. 13-Dec. 21.		
Lake Erie Zone (1)	Oct. 13-Dec. 21.		
Southeastern Zone (1)	Oct. 13-Jan. 10.		
Brant	Oct. 20-Nov. 17.	2	4
<u>Rhode Island</u>			
Ducks:			
Black Ducks	Oct. 11-Oct. 14 & Nov. 21-Jan. 5.	1	2
Ducks	Oct. 11-Oct. 14 & Nov. 21-Jan. 5.	5	10
Extra teal during regular season	Oct. 11-Oct. 14 & Nov. 21-Nov. 25.	2(2)	4(2)
Scaup only season (3)	Jan. 12-Jan. 27.	5	10
Sea ducks(4)(5)(6)	Oct. 1-Jan. 15.	7	14
Mergansers		5	10
Coots		15	30
Gallinules	Sept. 15-Nov. 23.	15	30
Geese:			
Canada and	Oct. 11-Oct. 14 & Nov. 7-Jan. 31.	3	6
Snow (including blue)		4	8
Brant	Dec. 1-Jan. 19.	4	8
<u>South Carolina(16)(17)</u>			
Ducks:			
Black Ducks (18)	Oct. 4-Oct. 6 & Dec. 8-Jan. 19.	1	2
Ducks	Oct. 4-Oct. 6 & Nov. 21-Nov. 24 & Dec. 8-Jan. 19.	5	10(8)
Extra teal during regular season	Jan. 11-Jan. 19.	2(2)	4(2)
Extra scaup during regular season (19)	Oct. 4-Oct. 6 & Nov. 21-Nov. 24 & Dec. 8-Jan. 19.	2(2)	4(2)
Mottled duck	Closed.	-	-
Sea ducks(4)(5)(6)	Oct. 5-Jan. 19.	7	14
Mergansers		5	10
Coots		15	30
Gallinules	Sept. 21-Oct. 27 & Nov. 20-Dec. 22.	15	30
Geese:			
Canada (20)	Dec. 20-Jan. 19.	1	2
Snow (including blue)	Oct. 4-Oct. 6 & Nov. 21-Nov. 24 & Dec. 8-Jan. 19.	4	8
Brant	Oct. 4-Oct. 6 & Nov. 21-Nov. 24 & Dec. 8-Jan. 19.	4	8
<u>Vermont (12)</u>			
Ducks:			
Black Ducks	Oct. 15-Nov. 28.	1	2
Ducks	Oct. 10-Nov. 28.	5	10
Extra teal during regular season	Oct. 10-Oct. 18.	2(2)	4(2)
Wood ducks	Oct. 10-Nov. 28.	2	4
Special scaup and goldeneye season (13)	Dec. 1-Dec. 16.	3	6
Mergansers		5	10
Coots		15	30
Gallinules	Sept. 29-Dec. 7.	15	30
Geese (21):	Oct. 10-Dec. 18.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 10-Nov. 28.	4	8

Virginia

Ducks:		Point system (8)	
Black Ducks	Oct. 3-Oct. 6 & Dec. 10-Jan. 12.		
Ducks	Oct. 3-Oct. 6 & Nov. 20-Dec. 1 & Dec. 10-Jan. 12.		
Canvasback ducks	Jan. 7-Jan. 12.	Point system (10)	
Scaup only season(3)	Jan. 14-Jan. 29.	5	10
Sea ducks(4)(5)(6)	Oct. 5-Jan. 19.	7	14
Coots		15	30
Gallinules	Oct. 3-Oct. 6 & Nov. 20-Dec. 1 & Dec. 10-Jan. 12.	15	30
Geese:			
Canada:			
Back Bay Area (22)	Oct. 3-Oct. 6 & Nov. 20-Dec. 1 & Dec. 10-Jan. 12.	2	4
Delmarva Peninsula Area	Nov. 3-Jan. 31.	4	8
Remainder of State	Nov. 10. & Nov. 12-Jan. 19.	3	6
Snow (including blue):			
Back Bay Area (23)	Nov. 20-Dec. 1 & Dec. 10-Jan. 12.	4	8
Remainder of State	Nov. 3-Jan. 31.	4	8
Brant	Oct. 3-Oct. 6 & Nov. 20-Dec. 1 & Dec. 10-Jan. 12.	4	8

West Virginia

Ducks:			
Allegheny Mountain Upland			
Zone (Zone 2) (1)			
Black Ducks	Oct. 1-Oct. 16 & Nov. 1-Dec. 4.	1	2
Ducks	Oct. 1-Oct. 16 & Nov. 1-Dec. 4.	5	10
Extra teal during regular season	Oct. 1-Oct. 8.	2(2)	4(2)
Extra scaup during regular season	Oct. 1-Oct. 16 & Nov. 1-Dec. 4.	2(2)	4(2)
Gallinules	Oct. 1-Oct. 16 & Nov. 1-Dec. 4.	15	30
Remainder of State (Zone 1)(1)			
Black Ducks	Oct. 1-Oct. 16 & Dec. 17-Jan. 19.	1	2
Ducks	Oct. 1-Oct. 16 & Dec. 17-Jan. 19.	5	10
Extra teal during regular season	Oct. 1-Oct. 8.	2(2)	4(2)
Extra scaup during regular season	Oct. 1-Oct. 16 & Dec. 17-Jan. 19.	2(2)	4(2)
Mergansers		5	10
Coots		15	30
Gallinules	Oct. 1-Oct. 16 & Dec. 17-Jan. 19.	15	30
Geese:			
Allegheny Mountain Upland			
Zone (1)	Oct. 1-Oct. 16 & Nov. 1-Dec. 4.		
Remainder of State	Oct. 1-Oct. 16 & Dec. 17-Jan. 19.		
Canada		1(24)	2(24)
Snow (including blue)		4	8
Brant		4	8
Allegheny Mountain			
Upland Zone	Oct. 1-Oct. 16 & Nov. 1-Dec. 4.		
Remainder of State	Oct. 1-Oct. 16 & Dec. 17-Jan. 19.		

Point system — Ducks, mergansers and coots. The Atlantic Flyway States selecting the point system bag limits on designated species are listed in the table above.

The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days. The shooting (including hawking) hours are one-half hour before sunrise until sunset daily unless otherwise indicated.

The point values assigned to the species and sexes are as follows:

Atlantic Flyway

100 points	70 points	10 points	25 points
Canvasback (except where closed)	Female mallard Mottled duck Wood duck (25) Redhead	Pintail Blue-winged teal Green-winged teal Shoveler	Male mallard and all other species of ducks.
Fulvous tree duck and Mottled ducks (only in Florida)	Hooded merganser	Gadwall Wigeon Scaup Sea ducks (26)	
Black duck (Maryland, Florida & the Coastal & South Zones in New Jersey)	Black duck (Virginia, and the North Zone in New Jersey)	Mergansers (except hooded)	

(1) Described in the September 14, 1984, Federal Register (49 FR 36272). See State Regulations for zone/area boundaries.

(2) The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

(3) A special hunting season for scaup only is prescribed in those areas which are described, delineated and designated in the hunting regulations of the State.

(4) An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following table during the period between September 15, 1984, and January 20, 1985, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(5) The daily bag limit is 7 and possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

(6) Notwithstanding the provisions of this Part 20 the shooting of crippled waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

(7) In Florida, the gallinule season applies to the common gallinule only. There is no open season on the purple gallinule in Florida.

(8) No special daily bag and possession limit restrictions apply to wood ducks in Georgia during October 12-October 14, in North Carolina and South Carolina during October 4-October 6 and in Virginia during October 3-October 6 the wood duck is 25 points.

(9) Only in coastal waters and the waters of the rivers and streams seaward from the first upstream bridge and includes all tidal waters bounded by ME 182 and 200 north of U.S. 1 in Hancock County.

(10) In Maryland, New Jersey, and Virginia male canvasbacks are 25 points and female canvasbacks are 100 points. The possession limit is twice the daily bag limit. Areas open to canvasback hunting during the special season are:

New Jersey - East of the Garden State Parkway from Route 440, south to Route 36 (Raritan and Sandy Hook Bays, Navesink, and Shrewsbury Rivers); east of the Garden State Parkway from Route 88 south to Route 72 (Barnegat, Silver and Manahawkin Bays, Metedeconk and Toms Rivers).

Maryland - The waters of Chesapeake Bay and its tributaries to the first upstream bridge, except on the Patuxent River the boundary is the second upstream bridge (Maryland Route 231 bridge near Benedict, MD); including Potomac River and its tributaries upstream to U.S. Route 301 bridge.

Virginia - Starting at the Virginia-Maryland line (301 bridge) those lands and waters enclosed in the area bounded by: U.S. Highway 301 south to Route 207 and continuing to the junction of U.S. Route 1, south on Route 1 to Route 460, then southeast on 460 to Route 13, then east and north on Route 13 to the Maryland line, then westward on the Maryland-Virginia line to Route 301. The remaining portions of New Jersey, Maryland and Virginia presently closed to the taking of canvasbacks will remain closed.

(11) In Maryland, the Delmarva Peninsula includes the counties of Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico and Worcester.

(12) In Vermont and in the Lake Champlain Zone of New York, on opening day, October 10, shooting hours are from 7 a.m. to sunset. During October 11-December 18 shooting hours are one-half hour before local sunrise to local sunset.

(13) In the Lake Champlain areas of New York and Vermont (described and delineated in the hunting regulations of the respective States) a special hunting season for scaup and goldeneye is prescribed with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate and 6 scaup or 6 goldeneyes or 6 in the aggregate in possession.

(14) In New York and North Carolina the daily bag may include no more than 4 canvasback, not more than one of which may be a female. Areas open to canvasback hunting during the special season are:

New York - Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls, and all waters of Lake Cayuga.

North Carolina - That portion of Pamlico Sound and its tributaries designated as coastal fishing waters within two miles of the mainland, extending from Long Shoal Point on north side of Long Shoal River to that point of land near Whortonville on the north side of Broad Creek known as Piney Point and upstream in the Pamlico River to the Auroa-Bellhaven Ferry crossing.

The remaining portions of New York and North Carolina presently closed to the taking of canvasback will remain closed.

(15) Only in waters east of U.S. Highway 17, except Currituck Sound north of U.S. Highway 158.

(16) There will be no Sunday hunting in Georgetown County or Charleston County from the Georgetown County line (South Santee River) to the Wando River, east of Highway U.S. 17. The shooting hours in this area will be 1/2 hour before sunrise to 12:00 noon daily, except on October 6, Nov. 24 and Jan. 19, when shooting hours will be 1/2 hour before sunrise to sunset.

(17) During the period Dec. 8-Jan. 18, the shooting hours are 1/2 hour before sunrise to 1:00 p.m. daily on all lands and waters of: that portion of Lake Marion and Santee Swamp west of Interstate 95 bridge upstream to the confluence of the Wateree and Congaree Rivers. The affected area being further described as all land west of I-95 within or adjacent to Lake Marion which is owned by Santee Cooper or the State of South Carolina in the Counties of Clarendon, Sumter, Orangeburg and Calhoun. This regulation shall apply to all land in the area described above, whether such land shall be exposed or inundated.

NOTE: These regulations shall apply to land owned by Santee-Cooper or the State of South Carolina ONLY.

(18) In South Carolina, the season is closed on black ducks in Georgetown, Charleston, Colleton, and Beaufort Counties.

(19) Only in waters east of U.S. Highway 17, north of Charleston, and east of the Seaboard Railroad bed south of Charleston.

(20) In South Carolina the season on Canada geese is closed in the counties of Abbeville, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Cherokee, Chester, Colleton, Edgefield, Fairfield, Greenwood, Hampton, Kershaw, Lancaster, Laurens, Lee, McCormick, Newberry, Oconee, Pickens, Richland, Saluda, Spartanburg, Sumter, Union and York.

(21) See State regulations for further limit restrictions for Dead Creek Area, Addison County, Vermont.

(22) In Virginia, the Back Bay Area is defined for Canada geese as those portions of the cities of Virginia Beach and Chesapeake lying east of U.S. Highway 17 and Interstate 64.

(23) In Virginia, the Back Bay Area is defined for snow (including blue) geese as the waters of Back Bay and its tributaries and the marshes adjacent

thereto, and on the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina line, and on and along the shore of North Landing River and the marshes adjacent thereto, and on and along the shores of Lake Tecumseh and Red Wing Lake and the marshes adjacent thereto.

(24) In West Virginia, the daily bag and possession limits on Canada geese is 1 and 2, respectively, in both zones during the first half of the split season. During the second half of the split season in both zones, the daily bag and possession limit on Canada geese is 2 and 4, respectively.

(25) In Virginia, during October 3- October 6, the wood duck counts 25 points.

(26) Sea ducks count 10 points each during the point-system season, but during any part of the regular sea duck season falling outside the point-system season, sea duck daily bag and possession limits of 7 and 14, respectively, apply.

(27) East of Intercoastal Waterway in Chatham, Bryan, Liberty, McIntosh, Glynn and Camden Counties.

MISSISSIPPI FLYWAY

The Mississippi Flyway includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee and Wisconsin.

Shooting hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

The season dates for mergansers and coots are the same as those for ducks in the following tables.

	Season Dates	Limits	
		Bag	Possession
Alabama			
Ducks:		Point system.	
North Zone (1)	Dec. 1-Jan. 19.		
South Zone (1)	Nov. 15-Nov. 25 & Dec. 13-Jan. 20.		
Coots		15	30
Gallinules	Nov. 12-Jan. 20.	15	15
Geese:		5	10
Barbour, Henry, and Russell Counties	Closed.	-	-
Remainder of State	Nov. 12-Jan. 20.		
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
 Arkansas			
Ducks	Nov. 17-Dec. 9 & Dec. 15-Jan. 10.	Point system.	
Coots		15	30
Gallinules	Nov. 10-Jan. 18.	15	30
Geese:		5	10
Canada	Closed.	-	-
Other geese	Nov. 12-Jan. 20.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10
 Illinois			
Ducks (2):		Point system.	
North Zone (3)	Oct. 10-Nov. 28.		
Central Zone (3)	Oct. 24-Dec. 12.		
South Zone (3)	Nov. 1-Dec. 20.		
Coots		15	30
Gallinules	Closed.		

Geese (4):		5	10
Canada			
North Zone (3)			
Tri-County Zone (3)	Nov. 1-Nov. 20.	1	4
Remainder of North Zone	Oct. 10-Oct. 29.	1	4
Central Zone (3)			
Tri-County Zone (3)	Nov. 1-Nov. 20.	1	4
Remainder of Central Zone	Oct. 24-Nov. 12.	1	4
South Zone (3)			
Southern Illinois Quota Zone (Alexander, Jackson, Union, and Williamson Counties)(5)(6)	Nov. 12-Dec. 6.	2	4
Remainder of South Zone	Nov. 26-Dec. 15.	1	4
Other Geese			
North Zone (3)	Oct. 10-Nov. 28.		
Central Zone (3)	Oct. 24-Dec. 12.		
South Zone (3)	Nov. 1-Dec. 20.		
Limits include no more than:			
White-fronted geese		2	4
Snow (including blue) and brant		5	10
Indiana			
Ducks:			Point system.
North Zone (7)	Oct. 13-Oct. 17 & Oct. 27-Dec. 10.		
South Zone (7)	Oct. 20-Oct. 27 & Nov. 21-Jan. 1.		
Ohio River Zone (7)	Oct. 27-Nov. 3 & Dec. 3-Jan. 13.		
Scaup-only season (Lake Michigan only) (8)	Dec. 11-Dec. 26.	5	10
Coots		15	30
Gallinules	Sept. 1-Nov. 9.	15	30
Geese:		5	10
Canada:			
North Zone	Oct. 13-Dec. 21.	2	4
South Zone:			
Posey County	Dec. 26-Jan. 14.	1	2
Remainder of South Zone	Nov. 12-Jan. 20.	2	4
Ohio River Zone			
Posey County	Dec. 26-Jan. 14.	1	2
Remainder of Ohio River Zone	Nov. 12-Jan. 20.	2	4
Other Geese:			
North Zone	Oct. 13-Dec. 21.		
South Zone	Nov. 12-Jan. 20.		
Ohio River Zone	Nov. 12-Jan. 20.		
Limits include no more than:			
White-fronted geese		2	4
Snow (including blue) and brant		5	10
Iowa			
Ducks (2)			Point system.
North Zone	Oct. 20-Dec. 3.		
South Zone	Oct. 27-Dec. 10.		
Coots		15	30
Gallinules	Closed.		
Geese:		5	10
Southwest Zone (15)	Oct. 13-Dec. 21.		
Remainder of State	Sept. 29-Dec. 7.		
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
Kentucky			
Ducks	Nov. 20-Nov. 25 & Dec. 8-Jan. 20.		Point system.
Coots		15	30
Gallinules	Nov. 20-Jan. 20.	15	30

Geese:		5	10
Western Zone (1) (4)(5)	Jan. 7-Jan. 31.		
Remainder of State	Nov. 20-Jan. 20.		
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
<u>Louisiana</u>			
Ducks:		Point system.	
East Zone (1)	Nov. 17-Dec. 2 & Dec. 18-Jan. 20.		
West Zone (1)	Nov. 3-Dec. 2 & Dec. 15-Jan. 8.		
Scaup only season (8)	Jan. 21-Jan. 31.	5	10
Coots		15	30
Gallinules	Sept. 22-Sept. 30 & Nov. 3-Jan. 2.	15	30
Geese:			
Canada	Closed.	-	-
Other Geese:		5	10
East Zone(1)	Nov. 17-Dec. 2 & Dec. 18-Feb. 9.		
West Zone (1)	Nov. 3-Dec. 2 & Dec. 15-Jan. 23.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10
<u>Michigan</u>			
Ducks (2):		Point system.	
North Zone (9)	Sept. 29-Nov. 17.		
Middle Zone (9)	Sept. 29-Oct. 4 & Oct. 13-Nov. 25.		
Southeast Zone (9)	Oct. 6-Nov. 24.		
Coots		15	30
Gallinules:		15	30
North Zone	Sept. 29-Nov. 17.		
Middle Zone	Sept. 29-Oct. 4 & Oct. 13-Nov. 25.		
Southeast Zone	Oct. 6-Nov. 24.		
Geese:			
Canada			
North Zone (9):			
Baraga, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, and Ontonagon Counties	Sept. 26-Oct. 15.	1	2
Remainder of North Zone	Sept. 29-Oct. 18.	1	2
Middle Zone (1):			
Allegan County Goose Management Area	Oct. 13-Nov. 1.	1	2
Remainder of Zone:			
West of U.S. Highways 131 and 31 and Interstate Highway 75	Sept. 29-Oct. 4 & Oct. 13-Oct. 26.	1	2
East of U.S. Highways 131 and 31 and Interstate Highway 75	Sept. 29-Oct. 4 & Oct. 13-Nov. 10.	1	2
Southeast Zone (9)			
Southern Michigan Goose Management Area (1)	Oct. 6-Nov. 9. Dec. 22-Feb. 16.	1 3	2 6
Saginaw County Goose Management Area (1)	Sept. 29-Nov. 2.	1	2
Remainder of Southeast Zone	Oct. 6-Nov. 9.	1	2

Other geese:			
North Zone (9):			
Baraga, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, Ontonagon Counties	Sept. 26-Nov. 17.		
Remainder of North Zone	Sept. 29-Nov. 17.		
Middle Zone (9)	Sept. 29-Oct. 4 & Oct. 13-Nov. 25.		
Southeast Zone (9)	Oct. 6-Nov. 24.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10
<u>Minnesota (10)</u>			
Ducks:	Sept. 29-Nov. 17.	5	10
Limits include no more than:			
Mallards (no more than 2 female mallards daily or 4 in possession)		3	6
Black ducks		1	2
Wood ducks		2	4
Canvasbacks (except in closed areas)		1	2
Redheads		1	2
Mergansers (no more than 1 hooded merganser daily or 2 in possession)		5	10
Coots		15	30
Gallinules	Sept. 29-Nov. 17.	15	30
Geese:			
Canada:			
Lac Qui Parle Quota Zone (1) (5)	Sept. 29-Nov. 17	1	2
Southeastern Zone (1)	Sept. 29-Dec. 7.	2	4
Remainder of State	Sept. 29-Nov. 17.	1	2
Other geese:			
Southeastern Zone	Sept. 29-Dec. 7		
Remainder of State	Sept. 29-Nov. 17.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10
<u>Mississippi</u>			
Ducks	Dec. 8-Dec. 9 & Dec. 15-Jan. 31.	Point system.	
Coots		15	30
Gallinules	Oct. 20-Dec. 28.	15	30
Geese:		5	10
Canada:			
Sardis Reservoir Area (1)	Dec. 5-Dec. 14 & Jan. 12-Jan. 31.	1	2
Remainder of State	Jan. 17-Jan. 31.	1	2
Other geese			
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10
<u>Missouri</u>			
Ducks:		Point system.	
North Zone (1)	Oct. 20-Oct. 24 & Nov. 1-Dec. 15.		
South Zone (1)	Nov. 1-Dec 2 & Dec. 15-Jan. 1.		
Coots		15	30
Gallinules	Closed.		
Geese:		5	10
Canada			
North Zone (1)			
Swan Lake Zone (1) (5)	Nov. 1-Dec. 20.	2	4
Southeastern Area (east of U.S. Highway 67 and south of Crystal City)	Dec. 2-Jan. 20.	1	2
Remainder of North Zone	Nov. 1-Dec. 15.	1	2

South Zone (1)			
Southeastern Zone (1)	Dec. 2-Jan. 20.	1	2
Remainder of South Zone	Nov. 1-Dec. 2 & Dec. 15-Jan. 1.	1	2
White-fronted	Nov. 1-Jan. 9.	2	4
Snow (including blue) and brant	Nov. 1-Jan. 9.	5	10
<u>Ohio</u>			
Pymatuning Area (1):			
Ducks:		5	10
Black Ducks	Oct. 29-Dec. 1.	1	2
Other Ducks	Oct. 13-Oct. 20 & Oct. 29-Dec. 8.		
Limits include no more than:			
Black Ducks		1	2
Wood Ducks		2	4
Canvasbacks		1	1
Redheads		2	4
Canvasbacks and Redheads ; combined		2	4
Coots		15	30
Gallinules	Sept. 1-Nov. 9.	15	30
Mergansers (except hooded)		5	10
Hooded mergansers		1	2
Geese:			
Brant	Oct. 20-Nov. 17.		
Other Geese	Oct. 13-Dec. 21.		
Limits include no more than:			
Canada		3	6
Snow (including blue)		4	8
Brant		4	8
Remainder of State:			
Ducks:		5	10
North Zone (11)	Oct. 19-Nov. 24 & Dec. 3-Dec. 15.		
South Zone (11)	Oct. 19-Nov. 3 & Dec. 3-Jan. 5.		
Ohio River Zone (11)	Oct. 19-Nov. 3 & Dec. 17-Jan. 19.		
Limits include no more than:			
Mallards (no more than 2 female mallards daily or 4 in possession)		3	6
Black ducks		1	2
Wood ducks		2	4
Canvasbacks		1	2
Redheads		1	2
Scaup-only (North Zone only)	Dec. 17-Jan. 1.	5	10
Coots		15	30
Gallinules	Sept. 1-Nov. 9.	15	30
Geese	Oct. 19-Dec. 15 & Dec. 18-Dec. 29.	5	10
Limits include no more than:			
Canada:			
Ashtabula, Auglaize, Erie, Lucas, Marion, Mercer, Ottawa, Sandusky, Trumbull, and Wyandot Counties		1	2
Remainder of State		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
<u>Tennessee</u>			
Ducks:			Point system
Reelfoot Zone (1)	Nov. 3-Nov. 7 & Dec. 7-Jan. 20.		
State Zone (1)	Dec. 2-Jan. 20.		
Coots		15	30
Gallinules	Dec. 2-Jan. 20.	15	30
Geese (1):		5	10
Canada (12)			
Northwest Zone (5)	Jan. 7-Jan. 31.	1	2
Southwest Zone	Jan. 6-Jan. 20.	1	2

Remainder of State			
West of State Highway 13	Nov. 12-Jan. 20.	2	4
East of State Highway 13	Nov. 12-Jan. 20.	1	2
Other geese	Nov. 12-Jan. 20.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10
Wisconsin			
Ducks (2):		Point system (14)	
North Duck Zone (1)	Oct. 1 (13)-Nov. 19.		
South Duck Zone (1)	Oct. 1 (13)-Oct. 7 & Oct. 13-Nov. 24.		
Coots		15	30
Scaup-only season (8)			
North Duck Zone	Nov. 20-Dec. 5.	5	10
South Duck Zone	Nov. 25-Dec. 10.	5	10
Gallinules			
North Duck Zone (1)	Oct. 1(13)-Nov. 19.	15	30
South Duck Zone (1)	Oct. 1(13)-Oct. 7 & Oct. 13-Nov. 24.	15	30
Geese:		5	10
Canada:			
North Duck Zone (1)			
Brown County	Oct. 1 (13)-Oct. 20. Dec. 1-Dec. 31.	1 2	2 4
Mississippi River Zone	Oct. 1 (13)-Oct. 20. Nov. 25-Dec. 9.	1 2	2 4
Remainder of North Zone	Oct. 1 (13)-Oct. 20.	1	2
South Duck Zone (1)			
Horicon and Central Zones (1)	Oct. 13-Nov. 6.	Tag system - see State regulations.	
Rock Prairie Zone (1)	Oct. 13-Nov. 1 Nov. 25-Dec. 9.	1 2	2 4
Mississippi River Zone	Oct. 13-Nov. 1 Nov. 25-Dec. 9.	1 2	2 4
Remainder of South Zone	Oct. 13-Nov. 1.	1	2
Other geese			
North Duck Zone (1)	Oct.1(13)-Nov. 19.		
South Duck Zone (1)	Oct. 1 (13)-Oct. 7 & Oct. 13-Nov. 24.		
Limits include no more than:			
White-fronted		2	4
snow (including blue) and brant		5	10

The point values assigned to the species and sexes are as follows:
Mississippi Flyway (14)

100 points	70 points	10 points	25 points
Canvasback (except where closed)	Female mallard	Pintail	Male mallard
Black duck	Wood duck	Blue-winged teal	and all other species of ducks.
	Redhead	Green-winged teal	
	Hooded merganser	Cinnamon teal	
		Wigeon	
		Shoveler	
		Gadwall	
		Scaup	
		Mergansers (except hooded).	

(1) Described in the September 14, 1984, Federal Register (49 FR 36272). See State regulations for zone/area boundaries.

(2) The areas closed to canvasback hunting are:

Mississippi River - (1) Entire river, both sides, from Lock and Dam 9 upstream to the confluence of the Chippewa River. (2) Pool 19 bordering Iowa and Illinois.

Michigan - Macomb and St. Clair Counties, including the adjacent Great Lakes waters and interconnecting waterways under the jurisdiction of the State of Michigan.

Wisconsin - In the Mississippi River Zone, all that part of Wisconsin west of the Burlington-Northern Railroad from Lock and Dam 9 north to the centerline of the Chippewa River.

(3) In Illinois, the North Zone is that portion of the State north of a line running east from the Iowa border along Illinois Highway 92 to I-280, east along I-280 to I-80, then east along I-80 to the Indiana border. The Central Zone is that portion of the State between the North and South Zone boundaries. The South Zone is that portion of the State south of a line running east from the Missouri border on the Mississippi River along the Monroe-Randolph County line to County Highway 856, south along County Highway 856 to Illinois Highway 155, east along Illinois Highway 155 to Illinois Highway 3, north along Illinois Highway 3 to Illinois Highway 159, north along Illinois Highway 159 to Illinois Highway 161, east along Illinois Highway 161 to Illinois Highway 4, north along Illinois Highway 4 to I-70, then east along I-70 to the Indiana border. The Tri-County Zone is that part of Illinois including all of Knox County; the townships of Buckhart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. 24 in Fulton County; the township of Alba, Annawan, Atkinson and Cornwall in Henry County.

(4) Geese taken in Illinois and Missouri and in the Kentucky counties of Ballard, Hickman, Fulton, and Carlisle may not be transported, shipped or delivered for transportation for shipment by common carrier, the Postal Service, or by any person except as the personal baggage of licensed waterfowl hunters, provided that no hunter shall possess or transport more than the legally-prescribed possession limit of geese. Geese possessed or transported by persons other than the taker must be labeled with the name and address of the taker and the date taken.

(5) Harvests of Canada geese will be limited as follows:

- Illinois: Southern Illinois Quota Zone—17,500.
- Kentucky: West Kentucky Zone—7,000.
- Wisconsin: Horicon and Central Zones combined—15,000.
- Missouri: Swan Lake Zone—16,000.
- Minnesota: Lac qui Parle Zone—4,500.
- Tennessee: Northwest Zone—1500.

Missouri, Illinois, Minnesota, Kentucky and Tennessee Quota Zone Closures: When it has been determined that the quota of Canada geese allotted to the Southern Illinois Quota Zone, the Swan Lake Zone in Missouri, the Lac qui Parle Zone in Minnesota, the West Kentucky Zone and the Northwest Zone in Tennessee will have been filled, the season for taking Canada geese in the respective area will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing or by the State through State regulations with such notice and time (not in excess of 48 hours) as they deem necessary.

(6) Shooting hours for geese are sunrise until 3 p.m.

(7) In Indiana, the North Zone is that portion of the State north of State Highway 18. The Ohio River Zone is that portion of the State south of Interstate Highway 64. The South Zone is that portion of the State between the North and Ohio River Zone boundaries.

(8) A special hunting season for scaup only is prescribed in those areas which are described, delineated and designated in the hunting regulations of the State.

(9) In Michigan, the North Zone is the Upper Peninsula portion of the State. The Southeast Zone is that portion of the Lower Peninsula south and east of a line running north from the Michigan-Ohio border along U.S. Highway 127 to US-27, north along US-27 to South County Line Road in Gratiot County, east along South County Line Road to McClelland Road, north along McClelland Road to M-57, west along M-57 to US-27, north along US-27 to M-20, east along M-20 to US-10, east along US-10 to M-13, north along M-13 to US-23, north and east along US-23 to Shore Road in Arenac County, east along Shore Road to the tip of Point Lookout, then due east ten miles into Saginaw Bay, and from that point along a northeast line to the Ontario border. The Middle Zone is the remainder of the State.

(10) In Minnesota, the shooting hours for waterfowl vary as follows: September 29 - 12 noon to 4 p.m.; September 30 through October 19 - 1/2 hour before sunrise to 4 p.m.; and October 20 through November 17 - 1/2 hour before sunrise to sunset.

(11) In Ohio, the North Zone is that portion of the State consisting of the counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, Harrison and Jefferson and all counties north thereof. In addition, the North Zone also includes that portion of the Buckeye Lake area in Fairfield and Perry Counties bounded on the west by State Highway 37, on the south by State Highway 204, and on the east by State Highway 13. The Ohio River Zone includes the counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia and Meigs. The South Zone includes that portion of Ohio between the North and Ohio River Zone boundaries.

(12) Local restrictions, including closures, apply in specified areas. Consult State regulations. Tagging of Canada geese is required in designated zones.

(13) On the first day the season opens at 12 noon.

(14) In Wisconsin, point values for some species change during the season. See State Regulations. Also, some species listed in the 10-point category in the Mississippi Flyway point-system table are assigned 25 points in Wisconsin.

(15) In Iowa, the Southwest Goose Zone is that portion of the State bounded by U.S. Highway 92 and 71.

CENTRAL FLYWAY

The Central Flyway consists of Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Geese include all species of geese and brant.

Dark Geese include Canada geese, white-fronted geese, and "black" brant.

Light Geese include all other species.

Flywaywide Restrictions

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily except as otherwise noted.

Mergansers — All mergansers are to be included within the daily bag and possession limits under conventional and point system regulations.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

	Season Dates	Limits	
		Bag	Possession
<u>Colorado</u>			
Ducks	Sept. 29-Oct. 14 & Oct. 27-Dec. 2 & Dec. 15-Jan. 13.	Point system.	
Coots	Same as for ducks.	15	30
Gallinules	Closed.		
Geese (1):		2	4
North-Central Unit	Oct. 27-Jan. 13.		
South Park Unit	Sept. 29-Oct. 12 & Oct. 27-Dec. 31.		
San Luis Valley Unit	Nov. 3-Dec. 31.		
Remainder of State in Central Flyway	Nov. 3-Jan. 13.		
<u>Kansas</u>			
Ducks(2):		Point system.	
High Plains Area	Oct. 6-Nov. 9 & Nov. 17-Dec. 2 & Dec. 8-Jan. 8.		
Low Plains Area	Oct. 20-Nov. 9 & Nov. 17-Dec. 9 & Dec. 22-Jan. 6.		
Coots	Same as for ducks.	15	30
Gallinules	Closed.		
Dark geese (2)	Oct. 27-Jan. 6.	2	4
including no more than:			
White-fronted	Oct. 27-Jan. 6.	1	2
Canada	Nov. 26-Jan. 6.	1	2
Light geese	Nov. 3-Nov. 30 & Dec. 15-Feb. 10.	5	10
<u>Montana</u>			
Ducks		Point system (12)	
Zone 1 (3)	Sept. 29-Nov. 27 & Dec. 9-Dec. 30.		
Zone 2 (3)	Sept. 29-Oct. 21 & Nov. 2-Dec. 30.		
Coots	Same as for ducks.	15	30
Gallinules	Closed.		
Geese:	Sept. 29-Dec. 30.		
Sheridan County		2	4
Remainder of State in			

Central Flyway Whistling (Tundra) swans	Sept. 29-Dec. 30.	3	6
		Only by permit; 1 swan per season	

Nebraska

Ducks		Point system.	
High Plains Area (4)	Oct. 13-Dec. 2 & Dec. 7-Jan. 7.		
Low Plains Area (4)			
Zones 1 and 2 (4)	Oct. 20-Dec. 18.		
Zones 3 and 4 (4)	Oct. 6-Dec. 4.		
Coots	Same as for ducks.	15	30
Gallinules	Closed.		
Dark geese			
North Unit (5)	Oct. 6-Dec. 23.	2	4
including no more than:			
White-fronted	Oct. 6-Dec. 23.	1	2
Canada	Oct. 6-Nov. 9.	1	2
East Unit (5)	Sept. 29-Dec. 9.	2	4
including no more than:			
White-fronted	Sept. 29-Dec. 9.	1	2
Canada	Nov. 21-Dec. 9.	1	2
Central Unit (5)	Oct. 21-Dec. 31.	2	4
including no more than:			
White-fronted	Oct. 21-Dec. 31.	1	2
Canada	Nov. 21-Dec. 31.	1	2
Panhndle Unit (5)	Nov. 10-Dec. 31.	2	4
including no more than:			
White-fronted	Nov. 10-Dec. 31.	1	2
Canada	Nov. 21-Dec. 31.	1	2
Sandhills Unit(5)	Nov. 3-Dec. 31.	Only by permit - 1 Canada goose per season.	
Light Geese	Sept. 29-Dec. 23.	5	10

New Mexico

Ducks:		Point system.	
Zone 1 (3)	Oct. 16-Jan. 6.		
Zone 2 (3)	Oct. 30-Jan. 20.		
Coots	Same as for ducks.	15	30
Gallinules	Oct. 16-Dec. 24.	15	30
Geese:			
Dark geese	Oct. 20-Jan. 20.	2	4
Light geese:			
	Nov. 28-Feb. 28(6)	5	10
	Nov.28-Feb. 12.(6)	5	10

North Dakota (7)

Ducks:	Sept. 29-Nov. 25 & Dec. 1-Dec. 2.	5	10
including no more than:			
Female mallards		1	2
Canvasbacks		1	1
Redheads		1	2
Wood ducks		2	4
Hooded mergansers		1	2
Additional blue-winged teal	Sept. 29-Oct. 7.	2(8)	4(8)
Coots	Same as for ducks.	15	30
Gallinules	Closed.		
Dark geese	Sept. 29-Nov. 11.	2	4
including no more than:			
Canada	Sept. 29-Oct. 28.	1	2
Light geese	Sept. 29-Dec. 2.	5	10

Oklahoma

Ducks:		Point system.	
High Plains Area (3)	Oct. 13-Jan. 3.		
Low Plains			
Zone 1 (3)	Oct. 13-Nov. 25 & Dec. 15-Dec. 30.		
Zone 2 (3)	Oct. 27-Nov. 25 & Dec. 22-Jan. 20.		
Coots	Same as for ducks.	15	30
Gallinules	Sept. 1-Nov. 9.	15	30
Dark geese (3)		2	4
including no more than:			
White-fronted		1	2

Unit 1	Nov. 10-Jan. 20.		
Unit 2	Oct. 15-Nov. 25 & Dec. 22-Jan. 20.		
Light geese	Oct. 15-Nov. 25 & Dec. 22-Feb. 3.	5	10
South Dakota			
Ducks:		Point system (12)	
High Plains Area (9)	Sept. 29-Nov. 27 & Dec. 15-Jan. 6.		
Low Plains Area			
North Zone (9)	Sept. 29-Nov. 27.		
South Zone (9)	Oct. 20-Dec. 18.		
Coots	Same as for ducks.	15	30
Gallinules	Closed.		
Dark geese			
Missouri River Unit	Sept. 29-Dec. 16.	2	4
including no more than:			
Canada	Sept. 29-Nov. 9.	1	2
White-fronted	Sept. 29-Dec. 16.	1	2
Remainder of State	Sept. 29-Dec. 9.	2	4
including no more than:			
Canada		1	2
White-fronted		1	2
Light geese	Sept. 29-Dec. 23.	5	10
Texas			
Ducks (except masked duck):		Point system.	
High Plains Area	Oct. 30-Jan. 20.		
Remainder of State	Nov. 3-Nov. 11 & Nov. 19-Nov. 25 & Dec. 8-Jan. 20.		
Masked duck	Closed season.	-	-
Coots	Same as for ducks.	15	30
Gallinules	Sept. 1-Nov. 9.	15	30
Geese:			
East of U.S. Highway 81:			
Dark geese	Nov. 3-Nov. 11 & Nov. 19-Jan. 20.	2	4
including no more than:			
Canada		1	2
White-fronted		1	2
Light geese	Nov. 3-Jan. 27.	5	10
West of U.S. Highway 81:			
Geese:	Oct. 30-Jan. 20.	5	10
including no more than:			
Dark geese		2	4
Wyoming			
Ducks and coots		Point system (9).	
Zone 1 (3)	Sept. 29-Nov. 25 & Dec. 13-Jan. 6.		
Zone 2 (3)	Sept. 29-Oct. 21 & Nov. 3-Jan. 1.		
Zone 3 (3)	Sept. 29-Nov. 27 & Dec. 8-Dec. 30.		
Zone 4 (3)	Sept. 29-Oct. 21 & Nov. 3-Jan. 1.		
Gallinules	Closed.		
Geese:		2	4
Zone 1 (3)	Oct. 20-Jan. 6.		
Zone 2 (3)	Nov. 17-Jan. 13.		
Zone 3 (3)	Sept. 29-Dec. 30.		
Zone 4 (3)	Sept. 29-Dec. 30.		

Point system - Ducks, mergansers and coots. The Central Flyway States selecting the point system bag limits on designated species are listed in the table above.

The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days. The shooting (including hawking) hours are one-half hour before sunrise until sunset daily unless otherwise indicated.

The point values assigned to the species and sexes are as follows:

Central Flyway (11)

100 points	70 points	10 points	20 points
Canvasback	Female mallard(12)	Pintail* (12)	Male mallard* (12)
	Mexican-like duck	Blue-winged teal	and all other
Montana and	Wood duck	Green-winged teal	species of
South Dakota	Redhead	Cinnamon teal	ducks.
only:	Hooded merganser	Shoveler	
Female	Texas only:	Gadwall	South Dakota only:
mallard (12)	Mottled duck	Wigeon	Pintail (12)
	Black duck	Seap	
	Black bellied and	Merganser (except	
	fulvous whistling	hooded).	
	(tree) ducks.		

* In Montana only, the male mallard is assigned 35 points and the pintail is assigned 25 points. (12)

(1) Colorado Goose Hunting Units: North-Central Unit: That portion of Colorado bounded on the north by the State line; on the east by U.S. Highway 85 to Interstate 76, Interstate 76 to Interstate 25, and Interstate 25 to Interstate 70; on the south by Interstate 70; and on the west by the Continental Divide. South Park Unit: Chaffee, Fremont, Lake, Park, and Teller Counties. Hunting by permit only; limits, 2 geese daily, 2 per season, geese must be tagged. San Luis Valley Unit: Alamosa, Conejos, Costilla, and Rio Grande Counties and those portions of Hinsdale, Mineral, and Sanguache Counties east of the Continental Divide. Hunting by permit only; limits, 1 goose daily, 1 per season, goose must be tagged. See State regulations. Numerous local closures.

(2) In Kansas, the High Plains Area and the Low Plains Area are those portions of the State lying to the west and east, respectively, of U.S. 283. The following two areas are closed to the taking of dark geese (Canada and white-fronted geese) during the regular dark goose season: (a) That part of Kansas bounded by a line from the Missouri-Kansas boundary west on K-68 to its junction with US-169, then southwest on US-169 to the junction of K-7, then southeast on K-7 to the junction of K-31, then east on K-31 to the junction of US-69, then north on US-69 to the junction of K-239, then east on K-239 to the Missouri-Kansas boundary, then north on the Missouri-Kansas boundary to its junction with K-68; and (b) that part of Kansas bounded by a line from the junction of K-96 and US-77-54, then north on US-77-54 to the split of US-77-54, then north on US-77 to the junction of US-50, then east-northeast on US-50 to the junction of K-99-57, then south on K-99-57 to the split of K-99 and K-57, then east on K-57 to the junction of US-75, then south on US-75 to the junction of K-39, then southwest on K-39 to the junction of K-96, then west on K-96 to the junction of US-77-54.

(3) Described in the September 14, 1984, Federal Register (49 FR 36272). See State regulations for zone/area boundaries.

(4) Nebraska:

High Plains. As described in State regulations.

Zone 1: Keya Paha County east of U.S. Highway 183 and all of Boyd County including the adjacent waters of the Niobrara River.

Zone 2: The area bounded by designated highways and political boundaries starting on U.S. 73 at the State Line near Falls City; north to N-67; north through Nemaha to U.S. 73-75; north to U.S. 34; west to the Alvo Road; north to U.S. 6; northeast to N-63; north and west to U.S. 77; north to N-92; west to U.S. 81; south to N-66; west to N-14; south to I-80; west to U.S. 34; west to N-10; south to the State Line; west to U.S. 283; north to N-23; west to N-47; north to U.S. 30; east to N-14; north to N-52; northwesterly to N-91; west to U.S. 281; north to Wheeler County and including all of Wheeler and Garfield Counties and Loup County east of U.S. 183; east on N-70 from Wheeler County to N-14; south to N-39; southeast to N-22; east to U.S. 81; southeast to U.S. 30; east to U.S. 73; north to N-51; east to the State Line; and south and west along the State Line to the point of beginning.

Zone 3. The area, excluding Zone 1, north of Zone 2.

Zone 4. The area south of Zone 2.

(5) In Nebraska, the North Unit is comprised of Boyd, Cedar (west of U.S. 81), Keya Paha (east of U.S. 183), and Knox Counties; The East Unit is the remainder of the State east of the following highways starting at the boundary with South Dakota: U.S. 183 to U.S. 20, U.S. 20 to NE 11, NE 11 to NE 91, NE 91 to U.S. 183, U.S. 183 to NE 2, NE 2 to U.S. 281, and U.S. 281 to the Kansas line; the Panhandle Unit is that portion of the State bounded by the North boundaries of Garden, Morrill and Scotts Bluff Counties and NE 2 to NE 61, NE 61 to NE 23, and NE 23 to the Colorado line; the Sandhills Unit is that portion of the State bounded on the north by the State line and highways U.S. 83 and U.S. 20, on the east by NE 11, on the south by NE 91 and NE 2, and on the west by NE 27; the Central Unit is the remainder of the State.

(6) In New Mexico, the dark goose season is closed in Sandoval, Sierra, Valencia, Socorro and Bernalillo Counties. In the Central Flyway counties of Sandoval, Santa Fe, Bernalillo, Valencia and that portion of Socorro County lying north of U.S. 60 and east of Interstate 25 the light goose season shall be November 28, 1984, through February 12, 1985. In the remainder of the State in the Central Flyway the light goose season shall be November 28, 1984 through February 28, 1985.

(7) In North Dakota, goose hunting shall be from one-half hour before sunrise to 1:00 p.m. each day from the opening day through October 27 and from one-half hour before sunrise to 2:00 p.m. from October 28 through to the end of the season. The Dark Goose season is delayed until October 1 in the area west and south of the following: Starting at South Dakota border where U.S. 281 enters North Dakota, north and west on U.S. 281 to Carrington, then west and north on ND 200 to the Montana border. Numerous areas are closed to the hunting of Canada geese. Nonresident waterfowl hunters are restricted to hunting in eight specified zones and limited to 20 ducks and 12 geese per season. See State regulations for descriptions of areas, zones, and nature of special restrictions.

(8) The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

(9) South Dakota - High Plains - as described in State regulations. South Zone: Bon Homme County south of S.D. Highway 50; Charles Mix County south and west of a line formed by S.D. Highway 50 from Douglas County to Geddes, Highways CFAS 6198 and FAS 3207 to Lake Andes, and S.D. Highway 50 to Bon Homme County; Gregory County; and Yankton County west of U.S. Highway 81. North Zone: The remainder of the Low Plains portion.

(10) In Wyoming, coots are assigned 10 points.

(11) Coots have no point value (except in Wyoming) but conventional bag limits of 15 daily and 30 in possession apply. In Wyoming the coot is assigned 10 points.

(12) In South Dakota, the female mallard is assigned 100 points and the pintail is assigned 20 points; and in Montana, the female mallard is assigned 100 points; the male mallard is assigned 35 points; and the pintail is assigned 25 points.

PACIFIC FLYWAY

The Pacific Flyway includes the States of Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

Flywaywide Restrictions

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily, except as noted.

Aleutian Canada Geese: The season is closed on Aleutian Canada geese throughout the Flyway.

White Geese and Dark Geese: Unless otherwise noted, seasons and limits for white geese are for snow, including blue, and Ross' geese, either singly or in the aggregate; and seasons and limits for dark geese are for Canada and white-fronted geese, brant, and all other species of geese, either singly or in the aggregate, except in Washington, Oregon, and California where there are separate seasons and limits on brant.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATION OF GEOGRAPHICAL AREAS OR ZONES WITHIN STATES. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

	Season Dates	Limits	
		Bag	Possession
Arizona (2)			
Ducks	Oct. 17-Jan. 17.	See footnote (1).	
Geese:	Oct. 27-Jan. 20.	6	6
Including no more than:			
Dark (no more than		3	3
2 Canada geese)			
White		3	3
Coots and gallinules (singly or			
in the aggregate)	Same as for ducks.	25	25
Common Snipe	Same as for ducks.	8	16

Sandhill cranes (only in Game Management Units 30A, 30B, 31, and 32)	Nov. 10, 11, 15 and 16.	Only by permit; 2 cranes per season.	
California			
Ducks:			
Northeastern Zone	Oct. 13-Jan. 6.	See footnote (1)	
Colorado River Zone	Oct. 17-Jan. 17.	See footnote (1)	
Remainder of State	Oct. 20-Jan. 13.	See footnote (1)	
Geese (except cackling Canada, Aleutian Canada and brant):			
Northeastern Zone	Oct. 13-Jan. 13.	3	3
Including no more than:			
Dark (3)(4), except that the season on white-fronted geese shall be from Oct. 13-Nov. 4.		1	2
White		3	3
Colorado River Zone:	Oct. 27-Jan. 20.	6	6
Including no more than:			
Dark (but no more than 2 Canada geese)(3)		3	3
White		3	3
Southern Zone:	Oct. 20-Jan. 20.	6	6
Including no more than:			
Dark (except the open season on Canada geese shall be from Oct. 27 through Jan. 20, and Canada geese not exceed 2 in the daily bag and possession limits; but in that portion of District 22 within the Southern Zone, Canada geese may not exceed 1 in daily bag and 2 in possession)(3)		3	3
White		3	3
Balance-of-the-State Zone:	Nov. 3-Jan. 20.	3	3
Including no more than:			
Dark (3)(4):		1	1
Except that the season on Canada geese (3)(4) shall be:			
Counties of Del Norte and Humboldt	Closed.	-	-
Sacramento Valley Area (5)	Dec. 15-Jan. 20.		
San Joaquin Valley Area (6)	Nov. 3-Nov. 22.		
Except that the season on white-fronted geese shall be:			
White	Nov. 3-Jan. 6.	3	3
Cackling Canada geese and Aleutian Canada geese:	Closed.	-	-
Brant	Oct. 20-Nov. 30.	2	4
Coots and gallinules, singly or in the aggregate.	Same as for ducks.	25	25
Common snipe	Same as for ducks.	8	16

Colorado

Ducks (7)	Sept. 29-Oct. 19 & Nov. 10-Jan. 20.	See footnote (1)	
Geese (7):			
Brown's Park, Moffat County	Oct. 27-Dec. 9.	1	2
Delta and Montrose Counties	Nov. 17-Jan. 6.	Only by permit; 2 geese per season.	
Mesa County	Nov. 17-Jan. 6.	Only by permit; 2 4 6 geese per season.	
Garfield County	Nov. 17-Jan. 6.	Only by permit; 2 4	

Dolores, Gunnison, and Montezuma Counties	Closed.	-	-
Remainder of State in Pacific Flyway	Oct. 13-Jan. 6.	2	4
Coots (7)	Same as for ducks.	25	25
Common snipe(7)	Sept. 1-Nov. 9 & Dec. 8-Dec. 30.	8	16
Sora and Virginia rails(7)	Sept. 1-Nov. 9.	25	25
<u>Idaho (8)</u>			
Ducks:			
Columbia Basin counties (9)	Oct. 6-Jan. 13.	See footnote (1)	
Remainder of State	Oct. 6-Jan. 6.	See footnote (1)	
Geese:			
Goose Area 1 (10)	Oct. 6-Jan. 6.	3	6
Goose Area 2 (10)(11)	Oct. 13-Jan. 6	2	2
Goose Area 3 (10)	Oct. 27-Jan. 6.	2	2
Goose Area 4 (10)(11)	Oct. 13-Dec. 9	2	2
Goose Area 5 (10)	Oct. 13-Dec. 23.	2	2
Coots :	Same as for ducks.	25	25
Common snipe	Same as for ducks.	8	16
<u>Montana</u>			
Ducks(12)	Sept. 29-Dec. 30.	See footnote (1)	
Geese (12):			
East of the Continental Divide (10)	Sept. 29-Dec. 30.	6	6
Including no more than:			
Dark		3	6
White		3	6
West of the Continental Divide (12)	Sept. 29-Dec. 30.	5	6
Including no more than:			
Dark		2	2
White		3	6
Coots	Same as for ducks.	25	25
Common snipe	Same as for ducks.	8	16
Whistling swans, only in Teton and Cascade Counties	Sept. 29-Dec. 30.	Only by permit; 1 swan per season.	
<u>Nevada</u>			
Ducks:			
Clark County	Oct. 20-Jan. 20.	See footnote (1)	
Remainder of State	Oct. 6-Jan. 6.	See footnote (1)	
Dark geese:			
Clark County	Oct. 20-Jan. 20.	2	2
Elko County and Ruby Lake National Wildlife Refuge in White Pine County	Oct. 6-Jan. 6.	2	2
White River Valley in Nye County and Pahrnagat Valley in Lincoln County	Dec. 22-Jan. 13.	1	1
Remainder of State	Oct. 20-Jan. 20.	2	2
White geese:			
Clark County	Nov. 24-Jan. 20.	3	3
Elko County, except Ruby Valley.	Oct. 6-Jan. 6.	3	3
Ruby Valley in Elko and White Pine Counties, White River Valley in Nye County, and Pahrnagat Valley in Lincoln County	Closed.	-	-
Remainder of State	Oct. 20-Jan. 20.	3	3
Coots and gallinules, singly or in the aggregate	Same as for ducks.	25	25
Common snipe	Same as for ducks.	8	16
Whistling swans, only in Churchill, Lyon, and Pershing Counties	Oct. 20-Jan. 6.	Only by permit; 1 swan per season.	
<u>New Mexico</u>			
Ducks	Oct. 6-Oct. 21 & Nov. 5-Jan. 20.	See footnote (1)	

Geese:		
North of Interstate 40	Jan. 12-Jan. 20.	2 geese per season.
South of Interstate 40	Oct. 27-Jan. 20.	6 6
Including no more than:		
Dark (no more than		
2 Canada geese)	3 3	
White	3 3	
Coots and gallinules (singly or		
in the aggregate)	Same as for ducks.	25 25
Common snipe	Sept. 8-Dec. 9.	8 16
Virginia and sora rails (singly		
or in the aggregate)	Sept. 8-Nov. 16.	25 25

Oregon

Ducks:		
Entire State, except Columbia		
Basin counties (13)	Oct. 13-Jan. 13.	See footnote (1)
Columbia Basin counties (13)	Oct. 13-Jan. 20.	See footnote (1)
Geese (except cackling Canada,		
Aleutian Canada and brant):		
Western Oregon (3)(14)(13)	Nov. 17-Dec. 16.	1 1
Eastern Oregon, except the		
Columbia Basin counties and		
Baker, Malheur, Klamath, and		
Lake Counties	Oct. 13-Jan. 13.	6 6
Including no more than:		
Dark(3)	3 6	
White	3 6	
Columbia Basin counties (13)	Oct. 13-Jan. 20.	6 6
Including no more than:		
Dark(3)	3 6	
White	3 6	
Baker and Malheur		
Counties(3)	Oct. 13-Jan. 6.	2 2
Klamath and Lake Counties		6 6
Including no more than:		
Dark (3)	Nov. 1- Jan. 13.	3 6
White	Oct. 13-Jan. 13.	3 6
Cackling Canada geese, Aleutian		
Canada geese and Brant	Closed.	- -
Coots	Same as for ducks	25 25
Common snipe	Same as for ducks	8 16

Utah

Ducks (15)	Oct. 13-Jan. 6.	See footnote (1)
Geese (15)(16):		
General Season:	Oct. 13-Jan. 6.	5 6
Including no more than:		
Canada geese	2 4	
White geese	3 6	
Special Seasons:		
Daggett County east of		
State Highway 44 and 260	Oct. 27-Dec. 9.	
Including no more than:		
Canada geese	1 2	
Washington County	Oct. 20-Jan. 13.	
Including no more than:		
Canada geese	2 2	
Coots (15)	Same as for ducks.	25 25
Common snipe (15)	Same as for ducks.	8 16
Whistling swans (15)	Oct. 13-Jan. 6.	Only by permit; 1 swan per season.

Washington

Ducks (17):		
Eastern Washington (18)	Oct. 13-Jan. 20.	See footnote (1)
Western Washington (18)	Oct. 13-Jan. 13.	See footnote (1)
Geese (except cackling Canada		
Aleutian Canada, and brant) (17):		
Adams, Benton, Douglas,		
Franklin, Grant, Kittit-		
tas, Klickitat, Lincoln,		
Walla Walla, and Yakima		
Counties (19)	Oct. 13-Jan. 20.	3 6

Island, Skagit, and Snohomish Counties	Oct. 13-Dec. 30.	3	6
Whatcom County	Nov. 3-Dec. 30.	1	2
Clark and Cowlitz Counties (3)(20)	Nov. 17-Dec. 16.	1	1
Remainder of State (3)(19)	Oct. 13-Jan. 13.	3	6
Cackling Canada geese, Aleutian Canada geese and Brant:	Closed.	-	-
Coots (17)	Same as for ducks.	25	25
Common snipe (17)	Same as for ducks.	8	16
Wyoming			
Ducks and coots, singly or in the aggregate	Sept. 29-Dec. 30.	See footnote (1)	
Canada Geese	Sept. 29-Dec. 16.	3	3
Common snipe	Sept. 22-Dec. 23.	8	16
Sora and Virginia rails, singly or in the aggregate	Sept. 22-Nov. 30.	25	25

(1) Duck Limits. Basic daily bag and possession limits on ducks (including mergansers) in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, and Wyoming are 7 and 14, respectively, and in California and Utah, 5 and 10, respectively. Throughout the Pacific Flyway, except for Colorado, no more than two canvasbacks or two redheads or one of each may be taken daily nor more than four singly or in the aggregate, may be in possession. In Colorado, no more than two of any one, or two in the aggregate may be canvasback, redhead, or female mallard in the daily bag limit nor more than four of any one, or four in the aggregate, may be canvasback, redhead, or female mallard in possession. In Arizona, Montana, Nevada, Oregon, and Washington, no more than four pintails may be taken daily nor more than eight may be possessed. In Montana, no more than four mallards, only one of which may be female, may be taken daily, nor more than eight mallards, only two of which may be female, may be in possession. In Idaho, in the counties of Benewah, Bonner, Boundary, Kootenai, and Shoshone, the daily bag and possession limits, each, may not include more than two wood ducks.

(2) The Imperial, Cibola, and Havasu National Wildlife Refuges, Arizona, are open to waterfowl hunting except for posted portions. Ashurst Lake in Game Management Unit 5B is closed to all waterfowl and snipe hunting. Unit 1, Unit 27, that portion of Unit 25B lying east of Highway 273 and all of Units 3A and 3B lying east of Highways 77 and 260 are closed to the taking of Canada geese and its subspecies.

(3) The season on both cackling Canada geese and Aleutian Canada geese is closed.

(4) The dark goose limits may be expanded to 2 provided they are Canada geese, except for cackling Canada and Aleutian Canada geese for which the season is closed.

(5) The Sacramento Valley Area is bounded by a line beginning at Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Road north of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes on the Sacramento River, then southerly on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45-162 to Glenn; then westerly on State Highway 162 to the point of beginning in Willows.

(6) The San Joaquin Valley Area is bounded by a line beginning at Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate 5; then southerly on Interstate 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at Merced; then northerly and westerly on State Highway 99 to the point of beginning in Modesto.

(7) Special closures and restrictions apply to hunting ducks, coots, rails, snipe, and geese in the following areas: the Colorado River, Highline State Recreation Area, Mack Mesa Reservoir, all in Mesa County; Rifle Gap-Falls State Recreation Area, Garfield County; Steamboat Lake State Recreation Area, Routt County; Sweitzer Lake, Delta County; and Yampa River, Moffat County. Special closures and restrictions also apply to goose hunting on the Colorado River in Eagle and Grand Counties, on the Eagle River in Eagle County, on Granby Reservoir, Grand Lake, and Shadow Mountain Reservoir in

Grand County, and on the Yampa River, Routt County. Consult State regulations for description of areas and nature of closure.

(8) Waterfowl may not be taken in the Pend Oreille Waterfowl Closure, Kootenai County Waterfowl Closure-Thompson Lake, Hells Canyon Waterfowl Closure, Mormon Reservoir Waterfowl Closure, Black Canyon Reservoir-Payette River Waterfowl Closure, Ada County Waterfowl Closure, Fort Hall Indian Reservation Closure, and Hagerman Wildlife Management Area. Geese may not be hunted in the Canyon County Goose Closure, Minidoka-Cassia Goose Closure, or Hagerman Valley Goose Closure. See State regulations for descriptions of these areas.

(9) Columbia Basin counties are Adams, Bear Lake, Boise, Bonneville, Butte, Caribou, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Lemhi, Madison, Oneida, Teton, Valley, and that portion of Blackfoot Reservoir drainage lying within Bingham County.

(10) Goose Area 1 is Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties. Goose Area 3 is Blaine County lying south and east of U.S. Highway 93, and the Counties of Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls. Goose Area 4 is that portion of Fremont County within the North Fork of the Snake River drainage above the new Wendell Bridge near Ashton. Goose Area 5 is the counties of Ada, Adam, Canyon, Gem, Payette and Washington; that portion of Elmore County west of C.P. Strike Dam Road and Simco Road and west of Highway 67, between said roads; and that portion of Owyhee County West of State Highway 51 and C. J. Strke Dam Road and southwest of State Highway 78, between said roads, and State Highway 51. Goose Area 2 is the remainder of the State.

(11) The season on white geese is closed in that portion of Jefferson County lying north of State Highway 33 and east of Interstate Highway 15, and in all of Clark, Fremont, Madison, and Teton Counties.

(12) Exceptions to the general season in the following management areas (see State regulations for descriptions of areas): Shooting hours for hunting ducks and geese in the Canyon Ferry Goose Zone are from one-half hour before sunrise to 12 noon daily during Sept. 29-Nov. 11 and from one-half hour before sunrise to sunset during the remainder of the season; the goose season in the Flathead Goose Zone is Sept. 29-Nov. 25; the goose season in the Deer Lodge Goose Zone is Oct. 15-Dec. 30; the season on dark geese in the Benton Lake Goose Zone is Oct. 31-Dec. 30; the goose season is closed in the Missoula County Goose Zone; and the Canada goose season is closed in the Kleinschmidt Lake Goose Zone.

(13) Columbia Basin counties are Wasco, Sherman, Gilliam, Morrow, and Umatilla Counties. Western Oregon consists of all counties west of the summit of the Cascades excluding Klamath and Hood River Counties. Those portions of Coos and Curry Counties lying west of U.S. Highway 101, that portion of Tillamook County lying south of an east-west line passing through the most westerly point of Cape Lookout, and those portions of Douglas and Lane Counties lying west of the summit of the Coast Range are closed to all goose hunting.

(14) In Oregon, on the Sauvie Island Wildlife Management Area and on the William L. Finley, Baskett Slough, and Ankeny National Wildlife Refuges the bag and possession limits may be increased to 2 geese, only 1 of which shall be a dusky Canada goose, provided all conditions of these controlled hunts are met.

(15) Shooting hours are from 12 noon through sunset on October 13, from 8 a.m. through sunset on November 5, and from one-half hour before sunrise through sunset on all other days of the seasons.

(16) Goose hunting is prohibited within the boundaries of the Desert Lake Waterfowl Management Area in Emery County, Fish Springs National Wildlife Refuge in Juab County, and Ouray National Wildlife Refuge in Uintah County.

(17) In Western Washington the shooting hours are from 8 a.m. through sunset on the opening day, and in Eastern Washington the shooting hours are from 12 noon through sunset the opening day.

(18) Eastern Washington includes all areas lying east of the summit of the Cascade Mountains and east of the Big White Salmon River in Klickitat County. Western Washington includes all areas lying to the west of Eastern Washington.

(19) Geese may be hunted only on Saturdays, Sundays, and Wednesdays, and on November 12, 22, and 23 in Adams, Benton, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla Counties and east of Satus Pass (U.S. Highway 97) in Klickitat County. Geese may be hunted every day during January 14-20 in Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, and Yakima Counties.

(20) On the Ridgefield National Wildlife Refuge, the daily bag and possession limits may be increased to 3 geese, only one of which shall be a dusky Canada goose, provided all conditions of this controlled hunt are met.

Section 20.106 is amended to read as follows:

§20.106 Seasons, limits, and shooting hours for sandhill cranes.

Central Flyway: Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking sandhill cranes with a daily bag limit of 3 and a possession limit of 6 (3 in New Mexico experimental season area) cranes, and with shooting (including hawking) hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(a) In Colorado (the Central Flyway portion except the San Luis Valley and North Park) the inclusive season dates are September 29 through November 25, 1984.

(b) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt the inclusive dates are October 27, 1984, through January 27, 1985. In the New Mexico experimental sandhill crane season hunt areas, the bag and possession limits may not exceed 3 cranes, each of which must be tagged upon taking. In Area 1 (those portions of Dona Ana, Luna, and Sierra Counties west of Interstate Highway 25, north of Interstate Highway 10, east of New Mexico Highways 26 and 27 between Deming and Hillsboro, and south of New Mexico Highway 90), and Area 2 (that portion of Luna County south of Interstate Highway 10), the inclusive season dates are October 27 through October 29, 1984; December 15 through December 17, 1984; and January 12 through January 14, 1985. Each person participating in the experimental season must obtain and have in his possession while hunting, a valid special permit issued by New Mexico.

(c) In Oklahoma (that portion west of I-35) the inclusive dates are October 13, 1984, through January 13, 1985.

(d) In Texas, in Zone A the inclusive dates are November 10, 1984, through February 10, 1985. In Zone B the inclusive dates are December 1, 1984, through February 10, 1985. In Zone C the inclusive dates are January 12, 1985, through February 10, 1985. In the remainder of the State, the season is closed. See State regulations for description of zones.

(e) In North Dakota, sandhill crane hunting shall be from one-half hour before sunrise to 1:00 p.m. each day from the opening day through October 27 and from one-half hour before sunrise to 2:00 p.m. from October 28 through the remainder of the season. In Zone 1, the inclusive season dates are September 8 through November 4, 1984. In Zone 2, the inclusive season dates are September 8 through September 28, 1984. In the remainder of the State, the season is closed. See State regulations for description of zones and prohibited means of hunting sandhill cranes.

(f) In South Dakota, the inclusive dates are September 29 through November 4, 1984.

(g) In Montana (the Central Flyway), the inclusive season dates are September 29 through November 25, 1984; except in that area south and west of I-90 and the Bighorn River, the season is closed and in Sheridan County the inclusive season dates are November 1 through November 25, 1984.

(h) In Wyoming, in Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties, the inclusive season dates are September 22 through November 18, 1984.

(i) Each hunter participating in the regular sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

Pacific Flyway: In Arizona (within Game Management Units 30A, 30B, 31, and 32), the season dates are November 10, November 11, November 15 and November 16, 1984. Hunting will be by special permit to be issued by the State. Each permittee may take 2 sandhill cranes per season.

Section 20.107 is revised as follows.

§20.107 Seasons, limits, and shooting hours for whistling swans.

Whistling swans may be taken only by State-issued permit. Permittees may take only one whistling swan per season. Successful permittees must immediately validate their harvest by that method required in State regulations. Shooting hours are from one-half hour before sunrise to sunset daily except as noted below. Seasons are:

Central Flyway: (a) In Montana, whistling swans may be hunted from September 29, 1984, through December 30, 1984.

Pacific Flyway: (a) In Montana, whistling swans may be hunted only in Teton and Cascade Counties and from September 29, 1984 through December 30, 1984;

(b) In Nevada, whistling swans may be hunted only in Churchill, Lyon and Pershing Counties and from October 20, 1984, through January 6, 1985; and

(c) In Utah, whistling swans may be hunted from October 13, 1984, through January 6, 1985. Shooting hours on the first day of the season are from noon to sunset.

Atlantic Flyway: (a) In North Carolina, whistling swans may be hunted from November 3, 1984 through January 31, 1985.

Section 20.108 Non-toxic shot zones.

Section 20.109 is revised as follows:

\$20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of this part, the areas open to hunting, the respective open seasons (dates inclusive), the hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Daily bag limit	3 singly or in the aggregate(1).
Possession limit	6 singly or in the aggregate(1).

These limits apply during both regular hunting seasons and extended falconry seasons.

Hawking hours: One-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Atlantic Flyway

Florida:

Mourning and white-winged doves	Sept. 29-Jan. 13.
Woodcock	Oct. 27-Feb. 10.
Snipe	Nov. 3-Feb. 17.
Rails and gallinules	Sept. 1-Dec. 13.
Ducks, mergansers, and coots	Oct. 13-Dec. 2 & Dec. 8-Jan. 13

Maryland:

Mourning doves	Sept. 1-Oct. 20 & Nov. 15-Jan. 10.
Rails and gallinules	Sept. 1-Dec. 16.
Woodcock	Oct. 15-Dec. 2 & Dec. 5-Jan. 31.
Snipe	Oct. 1-Jan. 15.
Ducks, coots, and mergansers	Oct. 5-Jan. 19.
Canada geese	
Eastern Shore	Oct. 17-Jan. 31.
Remainder of State	Oct. 6-Jan. 19.
Snow geese	Oct. 17-Jan. 31.
Brant	Oct. 5-Jan. 19.

Massachusetts:

All permitted ducks, geese, and coots	Oct. 12-Jan. 15.
---------------------------------------	------------------

Pennsylvania:

Mourning doves	Sept. 1-Dec. 15.
Ducks, mergansers, and coots	Oct. 1-Jan. 7.

Virginia:

Mourning doves	Sept. 24-Dec. 3 & Dec. 20-Jan. 4.
Rails	Sept. 24-Dec. 3 & Dec. 20-Jan. 4.
Woodcock	Oct. 17-Jan. 31.
Snipe	Oct. 17-Jan. 31.
Ducks (except scaup and sea ducks) and brant	Oct. 4-Nov. 10 & Nov. 12-Jan. 18.
All geese, scaup and sea ducks	Nov. 3-Jan. 31.

Mississippi Flyway

Illinois:

Mourning doves, rails, and woodcock	Sept. 1-Dec. 16.
Snipe	Sept. 10-Dec. 25.
Teal	Sept. 8-Sept. 16.
Ducks, mergansers, and coots	Oct. 1-Jan. 6.

Indiana:

Ducks, mergansers, and coots	Oct. 1-Oct. 7.
------------------------------	----------------

Iowa:

- Ducks, coots, rails, snipe, woodcock
and mergansers..... Sept. 22-Jan. 6.
Geese Sept. 29-Jan. 6.

Kentucky:

- Ducks, mergansers, geese,
coots, rails and gallinules Nov. 1-Jan. 20.

Michigan:

- Woodcock, rails, and snipe Sept. 1-Dec. 16.
Ducks, mergansers, geese, gallinules
and coots Sept. 29-Jan. 13.

Minnesota:

- Woodcock, rails, and snipe Sept. 1-Dec. 16.
Ducks, mergansers, geese, coots
and gallinules Sept. 29-Jan. 13.

Mississippi:

- Mourning doves Sept. 29-Oct. 14 &
Nov. 26-Dec. 16.
Ducks, mergansers, and coots Nov. 3-Dec. 14.

Missouri:

- Mourning doves Sept. 1-Dec. 16.
Ducks, mergansers, coots, and geese Oct. 20-Oct. 24 &
Nov. 1-Jan. 20.

Wisconsin:

- Rails, woodcock, snipe, and gallinules Sept. 1-Dec. 16.
Ducks, mergansers, and coots Oct. 1-Jan. 15.

Central FlywayColorado:

- Ducks, mergansers, coots, and geese Oct. 15-Oct. 26.

Montana (1):

- All permitted migratory birds Sept. 29-Jan. 13.

New Mexico (2):

- Mourning doves, white-winged doves, and
band-tailed pigeons Sept. 1-Nov. 6 &
Nov. 17-Dec. 26.

- Sandhill cranes only in Chaves, Curry,
De Baca, Eddy, Lea, Quay, and
Roosevelt Counties Oct. 13-Jan. 27.

- Ducks, mergansers, coots,
and gallinules Oct. 15-Jan. 20.

- Canada and white-fronted geese Oct. 15-Jan. 20.

- Snow, blue, and Ross' geese Nov. 14-Feb. 28.

Oklahoma:

- Ducks, mergansers, and coots Oct. 15-Jan. 18.

Texas:

- Mourning doves Sept. 1-Nov. 30 &
Jan. 5-Jan. 20.

- Rails and gallinules Sept. 1-Dec. 16.

- White-winged doves Sept. 1-Nov. 30 &
Jan. 5-Jan. 20.

- Ducks, geese, and coots Oct. 20-Jan. 20.

- Sandhill cranes (Zones A, B, and C) Nov. 1-Feb. 12.

- Woodcock Nov. 1-Feb. 15.

- Snipe Nov. 1-Feb. 15.

Wyoming (1):

- Ducks, merganser, geese, and coots Sept. 29-Dec. 30.

Pacific FlywayColorado:

- Ducks, mergansers, coots, and geese Oct. 20-Nov. 2.

Idaho:

- Mourning doves only Sept. 1-Oct. 30.

- Ducks, merganser, coots, and snipe Oct. 1-Jan. 15.

- Geese (1) Concurrent with firearm
seasons.

Montana (1):

- All permitted migratory birds Sept. 29-Jan. 13.

New Mexico (2):

- Mourning doves, white-winged doves, and band-
tailed pigeons Sept. 1-Nov. 6 &
Nov. 17-Dec. 26.

- Ducks, coots, and gallinules Oct. 15-Jan. 20.

- Geese Oct. 6-Jan. 20.

Oregon:

Mourning doves	Sept. 1-Dec. 16.
Snipe	Oct. 1-Jan. 15.
Ducks, geese, and coots	Oct. 1-Jan. 15.

Utah:

Mourning doves	Sept. 1-Sept. 30.
Ducks, coots, mergansers and snipe	Sept. 29-Jan. 13.

Washington:

Ducks, geese, and coots:	
Western Zone	Oct. 6-Oct. 12 & Jan. 14-Jan. 20.
Eastern Zone	Oct. 6-Oct. 12.

Wyoming (1):

Mourning doves	Sept. 1-Oct. 15.
Rails and snipe	Sept. 22-Nov. 30.
Ducks, coots and geese	Sept. 29-Dec. 30.

(1) In Idaho, the aggregate daily bag and possession limits may not include more than 1 and 2 geese, respectively. In Montana, the aggregate daily bag and possession limits of all species are 2 and 6, respectively. In Wyoming, the aggregate daily bag and possession limits of all species are 2.

(2) Daily bag and possession limits are for permitted species of migratory birds and resident game, either singly or in the aggregate.

Note: See waterfowl season footnotes for descriptions of zones. For some States, the extended falconry season dates also include general season dates.

[FR Doc. 84-25340 Filed 9-21-84; 8:45 am]

BILLING CODE 4310-55-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 267

[Docket No. 40556-4056]

United States Standards for Grades of North American Freshwater Catfish and Products Made Therefrom; Correction

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Interim rule with request for comments; correction.

SUMMARY: This document corrects Latin terminology and an entry in Table 1 that appeared in an interim rule establishing grade standards for North American catfish and products made therefrom that was published on July 5, 1984, 49 FR 27514.

FOR FURTHER INFORMATION CONTACT:

Rita A. Creitz (Office of Utilization Research), 202-634-7458.

Dated: September 19, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

The following corrections are made in FR Doc. 84-17748 appearing on 27514 in the issue of July 5, 1984:

1. On page 27515, § 267.101(a)(3) is corrected to read:

§ 267.101 Description of the product.

(a) * * *

(3) Blue catfish (*Ictalurus furcatus*)

* * * * *

§ 267.107 [Amended]

2. On page 27517, appearing at the end of Sec. 267.107, Table 1, entry 3 is corrected to read as follows:

TABLE 1.—SCHEDULE OF POINT DEDUCTIONS OF NORTH AMERICAN FRESHWATER CATFISH AND PRODUCTS MADE THEREFROM

(Per sample unit unless otherwise indicated)

Scored factors	Degree of quality variation	Deduct
* * * * *		
3 Uniformity: Deviation above or below declared weight of portion:		
Weight of portion:	Moderate:	
0.75 to 4.14 oz.....	over 1/4 but not over 1/2 oz..	5
4.17 to 11.20 oz.....	over 1/2 but not over 3/4 oz..	
11.21 to 17.30 oz.....	over 3/4 but not over 1 oz..	
	Excessive:	
0.75 to 4.16 oz.....	over 1/4 oz.....	10
4.17 to 11.20 oz.....	over 1/2 oz.....	
11.21 to 17.30 oz.....	over 3/4 oz.....	

* * * * *

(16 U.S.C. 742e; 7 U.S.C. 1622, 1624)

[FR Doc. 84-25239 Filed 9-21-84; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 49, No. 186

Monday, September 24, 1984

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

7 CFR Part 989

[Docket No. F&V AO-198 A-12]

Raisins Produced From Grapes Grown In California; Hearing on Proposed Amendment of the Marketing Agreement and Order, Both as Amended

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed amendment and text of proposal.

SUMMARY: Notice is hereby given of a public hearing to be held to consider a proposed amendment of the marketing agreement and Order No. 989 (7 CFR Part 989) covering raisins produced from grapes grown in California. The principle issues to be considered would (1) add authority for a raisin diversion program; and (2) increase the desirable carryout for Natural (sun-dried) Seedless raisins. The diversion program would give the industry a means of bringing supplies more closely in line with demand. The increase in the desirable carryout would make more natural seedless raisins from the prior year's production available for early season shipment until new crop raisins are ready for processing and shipment. The increased desirable carryout is intended to assist the industry increase raisin shipments.

DATE: The hearing will begin at 9:00 a.m., Tuesday, October 2, 1984.

ADDRESS: The hearing will be held in Assembly Room No. 1036, State of California Building, 2550 Mariposa Street, Fresno, California 93721.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Divisions, AMS, USDA, Washington, D.C. 20250. Telephone: (202) 447-5053.

SUPPLEMENTARY INFORMATION: This amendment was proposed by the Raisin Administrative Committee established under the marketing agreement and order program which covers raisins produced from grapes grown in California. The Department of Agriculture proposes that it be authorized to make any necessary conforming changes which may result from the proceeding.

A pre-notice press release was issued September 6, 1984, inviting comments on the Committee's proposal until September 14. One comment was received from the Committee requesting a change in the definition of the term "producer" in § 989.11. That proposed change has been included in the Committee's proposal.

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code, and therefore is excluded from the requirements of Executive Order 12291.

The Regulatory Flexibility Act (Pub. L. 96-354), effective January 1, 1981, seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. Interested persons are invited to present evidence at the hearing on the probable regulatory and informational impact of the proposals on small businesses.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900). The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of: (1) Receiving evidence about the economic and marketing conditions which relate to the proposed amendment of the marketing agreement and order; (2) determining whether there is a need for amendment to the marketing agreement and order; and (3) determining whether the proposed amendment or an appropriate modification of it will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 989

Marketing agreement and order, Grapes, Raisins, and California.

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed by the Raisin Administrative Committee

Proposal No. 1

1. Section 989.11 is revised to read as follows:

§ 989.11 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of grapes which are sun-dried or dehydrated by artificial means until they become raisins: *Provided*, That a "producer" shall include any person whose production unit has qualified for diversion under a diversion program announced by the Committee.

Proposal No. 2

2. Section 989.54(a) is amended by reusing the fifth sentence to read as follows:

§ 989.54 Marketing policy.

(a) *Trade demand.* * * * The desirable carryout shall be increased from 45,000 to 60,000 tons for National (sun-dried) Seedless raisins at a rate of 5,000 tons per year for three crop years following the effective date of this amended subpart. * * *

Proposal No. 3

3. Section 989.54(b) is amended by adding a proviso at the end of the first sentence to read as follows:

§ 989.54 Marketing policy

(b) * * *: *Provided*, That such production estimate shall include by varietal type the total tonnage of raisins handlers are expected to acquire from producers and the total tonnage of raisins diverted under a raisin diversion program.

Proposal No. 4

4. A new § 989.56 is added to the order to read as follows:

§ 989.56 Raisin diversion program.

(a) *Announcement of program.* On or before November 30 of each crop year, the Committee shall hold a meeting to review production data, supply data, demand data, including anticipated demand to all potential market outlets, desirable inventory and other matters

relating to the quantity of raisins of all varietal types. When the Committee determines that raisins exist in the reserve pool in excess of projected market demand for any varietal type for which an excess tonnage is computed, the Committee may determine and announce the amount of such tonnage eligible for diversion during the subsequent crop year. At the same time, the Committee shall determine and announce to producers, handlers, and the cooperative bargaining association(s) the allowable harvest cost to be applicable to such diversion tonnage.

(b) *Voluntary diversion.* No producer shall be required to participate in any raisin diversion program.

(c) *Issuance of diversion certificates.* After the Committee announces a raisin diversion program, producers may divert grapes of their own production and receive from the Committee diversion certificates in accordance with applicable rules and regulations. Diversion certificates may not be transferred or sold except in accordance with applicable rules and regulations. Diversion certificates issued by the Committee shall apply to a specific production unit and shall be equal to the creditable fruit weight of such raisins produced on such unit during the prior crop year or the last prior crop year eligible for such diversion.

(d) *Redemption of diversion certificates.* Only handlers may redeem diversion certificates for reserve pool raisins. To redeem a certificate a handler must present the diversion certificate to the Committee and pay the Committee an amount equal to the harvest cost it has established. Upon receipt of the diversion certificate, the Committee shall note on the certificate that it is canceled.

(e) *Implementation diversion program.* The Committee shall establish, with the approval of the Secretary, such rules and regulations as may be necessary for the implementation and operation of a raisin diversion program.

Proposed by the Department of Agriculture

Proposal No. 5

5. The Secretary of Agriculture shall be authorized to make such changes as may be necessary to make the entire marketing agreement and order conform with any amendment thereto that may result from this hearing.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 20, 1984.

William T. Manley,
Acting Administrator.

[FR Doc. 84-25356 Filed 9-20-84 2:14 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

[Docket No. 40802-4102]

Foreign Trade Statistics; Amendments to the Foreign Trade Statistics Regulations

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is proposed to amend the Foreign Trade Statistics Regulations to eliminate the requirement for filing Shipper's Export Declarations (SEDs) for shipments from the United States and Puerto Rico to the Northern Mariana Islands and to reflect the transfer of the Panama Canal to the Republic of Panama.

DATE: Comments should be submitted on or before November 23, 1984.

ADDRESS: Send comments to the Director, Bureau of the Census, Washington, D.C. 20233.

FOR FURTHER INFORMATION CONTACT: Barry Cohen, Chief, Foreign Trade Division, Bureau of the Census, (301) 763-5342.

SUPPLEMENTARY INFORMATION: On January 9, 1978 the Northern Mariana Islands entered into a political union with the United States, *The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America*;

Public Law 94-241, 48 U.S.C. 1681 (hereinafter referred to as the "Covenant"). Section 502(a) of the Covenant states that Federal laws and regulations applicable to Guam and the several states should apply to the Northern Mariana Islands.

On June 1, 1968 the Government of Guam began collecting statistical documentation on merchandise imported into Guam in preparation for implementing its program for compiling Guam's trade statistics. Therefore, effective March 21, 1970, it was decided to eliminate the requirement for filing SEDs for shipments to Guam. At the same time SED filing requirements for shipments to certain "United States Possessions" (except for shipments to American Samoa and the Virgin Islands

of the United States) were eliminated. On September 28, 1976 SED filing requirements for shipments to American Samoa also were eliminated.

Section 370.4 of the Export Administration Regulations was amended in October 1979 exempting shipments to the Trust Territory of the Pacific Islands (that is, the Caroline, Marshall, and Northern Mariana Islands) from licensing requirements.

Section 603(c) of the Covenant provides that imports from the Northern Mariana Islands shall be subject to the same treatment as imports from Guam; therefore, Customs Service Decision 83-51 of February 22, 1983, accords to imports into the United States from the Northern Mariana Islands duty-free treatment for certain merchandise as set forth in the General Headnotes and Rules for Interpretation of the Tariff Schedules of the United States.

Accordingly, this proposed amendment would not be at variance with the Covenant or procedures of other agencies, but provides for consistency in the reporting of both import and export trade data of the Northern Mariana Islands.

On October 1, 1979 the United States transferred jurisdiction over the Panama Canal Zone to the Republic of Panama. To reflect this transfer, which incorporates the Canal Zone with the Republic of Panama, the Foreign Trade Statistics Regulations (FTSR) are amended so that all requirements for SEDs to foreign countries apply, without specifying, to the Republic of Panama. Previously, shipments from the United States to the Panama Canal Zone Government and Panama Canal Company for their exclusive use were exempt from SED filing requirements because the Canal Zone was under the sole jurisdiction of the United States Government.

These proposed amendments do not constitute a major rule as defined in Executive Order 12291. Pursuant to the provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), the General Counsel of the Department of Commerce certified to the Small Business Administration that these proposed regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities. These proposed amendments to the FTSR impose no additional reporting burden on the public because SEDs have always been required for shipments to the Republic of Panama, therefore the transfer of the Canal Zone to the Republic of Panama does not increase the reporting burden. In addition, the elimination of SEDs for shipments to the

Northern Mariana Islands reduces the reporting burden. The collection of this information has been approved by the Office of Management and Budget under Control numbers 0607-0001, 0607-0018, 0607-0150, and 0607-0152.

List of Subjects in 15 CFR Part 30

Economic statistics, Foreign trade, Reporting and recordkeeping requirements.

PART 30—[AMENDED]

To effect these changes, it is proposed to amend the Foreign Trade Statistics Regulations (15 CFR Part 30) as set forth below:

Section 30.1 is amended by revising the introductory text of paragraph (a)(1) to read as follows:

§ 30.1 General statement of requirement for Shipper's Export Declarations.

(a) * * *

(1) To foreign countries or areas including Trust Territories under U.S. administration, with the exception of the Northern Mariana Islands, and to Foreign Trade Zones located in foreign countries or areas from any of the following: * * *

(Title 13, United States Code, sec. 301-307; and Title 5, United States Code, sec. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Organization Order No. 35-2A, August 4, 1975, 40 FR 42765)

Dated: May 8, 1984.

John G. Keane,

Director, Bureau of the Census.

Dated: July 2, 1984.

I Concur.

Edward T. Stevenson,

Acting Assistant Secretary, Department of the Treasury.

[FR Doc. 84-25073 Filed 9-21-84; 8:45 am]

BILLING CODE 3510-07-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

Permanent State Regulatory Program of Colorado

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is proposing to modify the deadline for Colorado (1) to promulgate rules governing the training, examination and certification of blasters and (2) to develop and adopt a program

to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation. On August 10, 1984, the State of Colorado Department of Natural Resources, Mined Land Reclamation Division, requested that the time allotted for the development and implementation of a blaster certification program be extended for an additional six months. The current deadline is September 4, 1984. On February 6, 1984, Colorado had requested a six-month extension of time for the development of a blaster certification program. That extension of time has not been adequate for the State to develop and adopt a blaster certification program.

DATE: Comments must be received by October 24, 1984 at the address below, no later than 5:00 p.m.

ADDRESSES: Written comments should be mailed or hand delivered to Mr. Bob Hagen, Field Office Director, Albuquerque Field Office, Office of Surface Mining, 219 Central Avenue, NW., Albuquerque, New Mexico 87102.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Hagen, Field Office Director, Albuquerque Field Office, Office of Surface Mining, 219 Central Avenue, NW., Albuquerque, New Mexico 87102; Telephone: (505) 766-1486.

SUPPLEMENTARY INFORMATION: On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after publication date of OSM's rule at 30 CFR Part 850, whichever is later. In the case of Colorado's program, the applicable date is 12 months after publication date of OSM's rule, or March 4, 1984.

On February 6, 1984, Colorado advised OSM that it would be unable to meet the March 4, 1984 deadline and requested an additional six months to develop and adopt a blaster certification program. On April 30, 1984, the Director granted the State's request and the deadline was set for September 4, 1984 (49 FR 18296).

The Director of the Colorado Department of Natural Resources, Mined Land Reclamation Division, the regulatory authority for Colorado's program, advised OSM that the State

would require the additional time in order to work out an agreement with another State agency that would handle the blaster certification program. He also stated the Colorado would like to promulgate regulations governing a blaster training program concurrently with the promulgation of other modifications to the program which the State intends to make as a result of modifications in the Federal regulations under SMCRA. On August 10, 1984, the State requested another extension for an additional six months. The State believes that an additional six months will be necessary to allow them to develop an adequate program.

OSM is seeking comment on the State's request for additional time to develop and adopt a blaster certification program. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause.

Additional Determinations

1. Compliance With the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory reviewed by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 906

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Dated: September 18, 1984.

William B. Schmidt,

Acting Director, Office of Surface Mining.

[FR Doc. 84-25279 Filed 9-21-84; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 110**

[CDG11-84-05]

Special Anchorage Areas; Dangling Rope Canyon and Hite in Lake Powell, UT

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to change the special anchorage area in Forbidding Canyon, Utah, to Dangling Rope Canyon, Utah, and establish a new special anchorage area in Hite, Utah. These actions are being taken to conform the anchorages to existing marinas and protect the safety of persons and property involved.

DATES: Comments must be received on or before November 8, 1984.

ADDRESSES: Comments should be mailed to Commander(mps), Eleventh Coast Guard District, Union Bank Building, Long Beach, CA 90822. The comments will be available for inspection and copying at Marine Safety Division, Commander Eleventh Coast Guard District, Room 709, 400 Oceangate, Long Beach, EC 90822. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Louis S. Stanton, Marine Safety Division, Eleventh Coast Guard District, 400 Oceangate, Long Beach, CA 90822. Phone Number: (213) 590-2301.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CDG11-84-05) and the specific section

of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Lieutenant L. S. Stanton, project officer, and Lieutenant C. M. McNally, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Proposed Regulation

The proposed anchorage regulations are submitted at the request of the National Park Service, Glen Canyon National Recreation Area, Page, Arizona due to the relocation of the marina from Forbidding Canyon to Dangling Rope Canyon at Lake Powell. The Hite anchorage regulations are submitted to increase safety at the previously established Hite Marina.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulations and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact is expected to be so minimal that a full regulatory evaluation is unnecessary. Neither the relocating of the Forbidding Canyon anchorage to Dangling Rope Canyon nor establishing an anchorage at Hite will adversely affect any known commercial enterprise. Each measure is designed to make the location of the anchorage in question conform to the actual location of an existing marina.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend

§ 110.127a of Title 33, Code of Federal Regulations as follows:

§ 110.127a [Amended]

1. By revising paragraph (d) to read as follows:

(d) *Dangling Rope Canyon, Utah.* That portion of Dangling Rope Canyon, Lake Powell, enclosed by the shoreline and a line connecting the following points, excluding a 200-foot-wide fairway, extending southerly from the marina, as established by the Superintendent, Glen Canyon National Recreation Area:

Latitude	Longitude
"a" 37° 06'48" N.....	111° 05'00" W.
"b" 37° 07'15" N.....	111° 05'03" W.
"c" 37° 07'19" N.....	111° 04'49" W.
"d" 37° 08'08" N.....	111° 04'00" W.
"e" 37° 07'30" N.....	111° 04'30" W.
"f" 37° 07'20" N.....	111° 04'15" W.

2. By adding paragraph (f) to read as follows:

§ 110.127a [Amended]

(f) *Hite, Utah.* That portion of Lake Powell enclosed by the shore and by lines connecting the following two sets of points, excluding a 200-foot-wide fairway extending westerly from the launching ramp on the far shore, as established by the Superintendent, Glen Canyon National Recreation area:

Latitude	Longitude
East Shore	
"a" 37° 51'40" N.....	110° 23'45" W.
"b" 37° 51'40" N.....	110° 24'05" W.
"c" 37° 52'30" N.....	110° 24'00" W.
"d" 37° 52'30" N.....	110° 23'35" W.
North Wash	
"a" 37° 52'00" N.....	110° 24'45" W.
"b" 37° 52'40" N.....	110° 24'45" W.

(33 U.S.C. 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g))

Dated: September 19, 1984.

F.P. Schubert,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast District.

[FR Doc. 84-25310 Filed 9-21-84; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA Action NE 1410; A-7-FRL 2677-5]

Approval and Promulgation of Implementation Plans; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: On October 6, 1983, the State of Nebraska submitted a State Implementation Plan (SIP) revision comprised of amendments to various Nebraska Air Pollution Control Rules and Regulations. Supplementary information was received from the State on March 5 and March 29, 1984. The purpose of today's notice is to discuss the amendments and invite public comments on EPA's proposed action.

DATES: Comments must be received on or before October 24, 1984.

ADDRESSES: Comments should be addressed to Mary C. Carter, Environmental Protection Agency, Region VII, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the State submission are available for inspection during normal business hours at the above address and at the following location: Nebraska Department of Environmental Control, Air Pollution Control Division, Box 94877, Statehouse Station, 301 Centennial Mall South, Lincoln, Nebraska 68509.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374-3791, FTS 758-3791.

SUPPLEMENTARY INFORMATION: On May 17, 1983, the Nebraska Department of Environmental Control submitted draft amendments to the Nebraska Air Pollution Control Rules and Regulations for review. EPA responded with comments on the proposed amendments on June 10, 1983. Some changes to the amendments resulted from EPA's comments, although all of EPA's comments were not addressed by the State. On June 17, 1983, the Nebraska Environmental Control Council conducted a public hearing and subsequently adopted the amendments to the regulations. These amendments were submitted to EPA as a SIP revision on October 6, 1983. Supplementary information was received from the State on March 5 and March 29, 1984.

The affected Chapters of the Nebraska Air Pollution Control Rules and Regulations are as follows:

Chapter 1—Definitions

Chapter 4—Reporting and Operating Permits for Existing Sources; When Required

Chapter 5—New, Modified, and Reconstructed Sources; Standards of Performance, Application for Permit, When Required

Chapter 10—Incinerators; Emission Standards

Chapter 12—Sulfur Compound Emissions; Emission Standards

Chapter 14—Open Fires, Prohibited; Exceptions

Chapter 20—Emission Sources; Testing; Monitoring

Revisions to Chapters 1, 4, 5 and 20 delete the definitions and review requirements for complex sources of air pollution. The state reports that the review requirements are ineffective and unnecessary in that only two applications have been reviewed since 1974, both of which were for new highway construction.

A complex or indirect source is a facility which attracts or may attract mobile sources of pollution. Section 110(a)(5)(A) of the Clean Air Act provides that a state may include an indirect source review program in its SIP, but that the Administrator may not require such program as a condition of approval of the SIP. Section 110(a)(5)(A)(iii) provides that a state may revise its approved SIP to suspend or revoke an indirect source review program included in it, provided that the SIP meets all the substantive and procedural requirements of section 110, including the requirement that the plan demonstrate attainment and maintenance of the primary National Ambient Air Quality Standards (NAAQS). The submission from Nebraska does not include such a demonstration. Additionally, EPA has determined that the state must prepare and submit plan revisions for attainment and maintenance of the carbon monoxide (CO) standard in Lincoln and Omaha, which are currently designated as nonattainment for that pollutant. Until the state determines the control measures that will be necessary to attain and maintain the CO standard in these two areas and until the state demonstrates that the indirect source review program is not a necessary element of the control strategy to attain the standards in these two areas and to maintain the standards statewide, EPA cannot approve the revocation of the state's indirect source review program.

Proposed action: EPA proposes to retain the state's complex or indirect source review program as part of the approved SIP.

The revision to Chapter 14 allows the Nebraska Game Commission, the United States Forest Service, and the University of Nebraska to conduct open burning for the purposes of plant, wildlife, and parks management without permit. The local control agencies of Lincoln/Lancaster County and the City of Omaha will still require permits for burning on park or University property within their jurisdiction. Open burning by these three agencies does not take

place in particulate nonattainment areas. Prescribed burning is conducted on state and federally owned park land which is usually remote from population centers. There were twenty applications for burning in wildlife and park areas in 1983. Permits were issued in each case. The state has reported that the elimination of the permit requirement for open burning by these agencies will not have an impact on maintenance of air quality. Based on the information provided by the state, EPA agrees with the state's conclusion.

The remainder of the revisions included in the submission are of a clerical nature or delete obsolete provisions. The revision to Chapter 10 deletes the requirement that incinerator emission compliance test results be reported on forms (now obsolete) that were, in the past, provided by the state agency. The state reports that the standard test report format adequately provides the information required.

The revision to Chapter 12 deletes the standard and test method for hydrogen sulfide (H₂S). No national ambient air quality standards have been issued for H₂S.

The other revision to Chapter 20 is non-regulatory in that it changes a reference from the Federal Register to the Code of Federal Regulations.

Proposed action: EPA proposes to accept the revisions to Chapter 10, 12, and 14 and the non-regulatory revision to Chapter 20, as revisions to the approved SIP.

EPA is soliciting comments on the state's submission, and on the actions proposed in this document. The Administrator will consider comments received from the public in deciding to approve or disapprove this submission.

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA, and any EPA response, are available for public inspection at the Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

Pursuant to the provisions of 5 U.S.C. 605(b), the Regional Administrator has certified that this action will not have a significant economic impact on a substantial number of small entities because it does not create any new requirements which are not currently part of the state regulations or the approved SIP. (See 46 FR 8709.)

This action is issued under the authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control, Ozone, sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: June 28, 1984.

Morris Kay,
Regional Administrator.

[FR Doc. 84-25222 Filed 9-21-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-9-FRL-2677-4]

San Diego Air Quality Air Pollution Control District; Air Pollution Control Regulations, State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The San Diego County Air Pollution Control District (SDAPCD) adopted revisions to its permitting regulations on November 25, 1981, and January 19, 1983. Those amended regulations constitute Regulation II, Rules 20.1, 20.2, 20.3, 20.4, and 20.6, which contain provisions comparable to EPA's requirements for New Source Review (NSR), and regulate the construction and operation of new and modified major sources of nonattainment pollutants.

The SDAPCD adopted these revisions to satisfy conditions on the approval of a previous version of Regulation II. The regulations were submitted to EPA as revisions to the State Implementation Plan on March 1, 1982, August 6, 1982, and March 11, 1983. In this notice EPA is proposing to approve the regulations, as well as a San Diego APCD Board Resolution adopted on January 10, 1984, and submitted as a SIP revision on February 27, 1984.

DATES: Comments may be submitted up to October 24, 1984.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air Management Division, Air Operations Branch, New Source Section, Environmental Protection Agency Region 9, 215 Fremont Street, San Francisco, CA 94105.

Copies of the revisions and EPA's Evaluation Report are available for public inspection during normal business hours at the EPA Region 9 office at the above address and at the following locations:

California State Air Resources Board,
1102 "Q" Street Sacramento, CA
95812

San Diego Air Pollution Control District,
9150 Chesapeake Drive, San Diego,
CA 92123

FOR FURTHER INFORMATION CONTACT:
Richard Grow, New Source Section, Air Operations Branch, Air Management Division, EPA, Region 9, (415) 974-8223, (FTS) 454-8223.

SUPPLEMENTARY INFORMATION:

Background

Part D of the Clean Air Act (Sections 172 and 173) requires that States incorporate in their State Implementation Plans (SIPs) an acceptable permitting program for the pre-construction review of new or modified major stationary sources in nonattainment areas. EPA's requirements are contained at 40 CFR 51.18, as amended on May 13, 1980, August 7, 1980, and June 25, 1982.

On April 14, 1981 (46 FR 21749) EPA conditionally approved Regulation II, Rules 20.1-20.6. The approval was made contingent on revision of the NSR rules to conform to EPA's regulations as amended on August 7, 1980 (40 CFR 51.18).

Rules 20.1, 20.2, 20.3, 20.4, and 20.6, as revised, are intended to satisfy the condition. These revisions to Regulation II substantially alter the implementation of new source review in the San Diego County Air Pollution Control District.

The San Diego Air basin is designated nonattainment by the EPA for ozone, carbon monoxide (CO) and total suspended particulates (TSP). It is designated attainment for sulfur dioxide (SO₂) and nitrogen dioxide (NO₂).

NSR—Part D of the Clean Air Act (Sections 171 to 173) and 40 CFR 51.18 define the requirements for NSR programs, which apply to nonattainment pollutants. The SDAPCD currently administers the NSR programs under its Regulation II. The most important requirements are that local NSR rules and programs require that applicants for major new or modified sources:

(a) Meet the Lowest Achievable Emission Rate (LAER),

(b) Provide reductions in emissions at least equal to the increased emissions, sufficient to provide for reasonable further progress (RFP), and

(c) Certify that all major source they own in the same state comply with all applicable emission limitations and standards.

Description of Regulations

Regulation II of the San Diego County Air Pollution Control District's Rules and Regulations includes Rules 10-25, and governs the issuance of permits for construction and operation of air

pollution sources. Rules 20.1-20.6 regulate new sources review.

In response to the EPA's requirements, the District adopted revisions to Regulation II, Rules 20.1, 20.2, 20.3, 20.4 and 20.6 on November 25, 1981 and January 19, 1983. These revisions were submitted to the EPA on March 1 and August 6, 1982, and March 11, 1983. The changes adopted on those dates substantially revise the previously adopted version of Regulation II. Finally, on January 10, 1984, the SDAPCD adopted a resolution which was submitted to the EPA as a SIP revision on February 27, 1984. The Resolution further addresses EPA's NSR requirements as discussed below.

In an attempt to incorporate emission banking into its permitting activities, the District on February 16, 1983 adopted further revisions to Rule 18 (Applications), 20.1 (Definitions, Offsets), and added new Rules 20.8 (Special Offset Requirements), 26.0-26.10 (Banking), and Rule 27 (EPA Review) to its local regulations. However, in response to EPA's position that implementation of the banking rules would be seen as substantively inconsistent with EPA's regulations pertaining to both banking and new source review, the District Air Pollution Control Officer committed to the EPA, in a letter dated July 22, 1983, to conform his permitting activities to avoid this serious deficiency until the problem can be resolved. These rules have not been submitted to EPA. On January 10, 1984, the San Diego Air Pollution Control Board adopted a resolution committing the District to refrain from implementing the banking rules inconsistent with EPA's regulations, specifically with regard to emissions reduction credits for shutdowns.

EPA's evaluation of the regulations considers the acceptability of the District's NSR rules and the resolution described above, and including other rules reference within the regulations.

Evaluation

EPA has evaluated the NSR rules listed above (Rules 20.1, 20.2, 20.3, 20.4 and 20.6, adopted on November 25, 1981 and January 19, 1983) to determine whether they satisfy all the criteria for an NSR permitting program. EPA believes that, with the exception of the items described below, the SDAPCD's Rules satisfy EPA's requirements, and significantly strengthen the existing NSR regulations. The SDAPCD rules will: (1) Require pre-construction review of the sources which would be subject under the federal guidelines, and (2) require application of LAER and offsets in a

manner consistent with EPA's NSR requirements (40 CFR 51.18). The SDAPCD regulations also contain adequate guidelines and procedures for the administration and enforcement of the NSR program.

EPA review of the rules did reveal one significant potential problem and several minor deviations from EPA requirements. In most instances the District has indicated its intent to implement its rules consistent with EPA requirements. A full discussion of the minor deviations is included in the Technical Support Document (TSD) for this proposal.

The most serious problem is the potential requirement, under State law but not under the District rule, that the District issue New Source Review permits for cogeneration or resource recovery sources, regardless of whether they have met the offset requirement. The District rule proposed for inclusion in the SIP today requires that the District deny the application for such a permit, and thus there is a potential conflict between the state and federal requirements but not between federal and local regulations. This Notice proposes approval of the District provisions since they impose the federal requirement for denial of such permits. However, if the District felt obligated, under State law, to issue a local NSR permit to a cogeneration or resource recovery project such issuance would be inconsistent with federal requirements, would be seen as failure to implement the applicable SIP, and might also result in issuance of EPA orders prohibiting construction of these sources unless a sufficient growth allowance existed in the approved SIP. Similarly, any banked credits under Rule 20.1(c)(7) could not be used in place of full offsets unless the credits were included in an approved growth allowance.

The District's submitted definition of source, Rule 20.1(a)(8) and, of LAER Rule 20.1(a)(3), are not different from the presently conditionally approved definitions in the SIP, and correspond to EPA's plantwide definition, as required under EPA's source definition promulgation of October 14, 1981, and to EPA's LAER requirement. EPA will take no action on the source and LAER definitions and will retain existing provisions in the SIP and extend the condition of the previous conditional approval regarding source definition pending the outcome of continuing court proceedings (*NRDC v. EPA*) on source definition.

Several of the relatively minor issues of NSR implementation are resolved by a letter from the Air Pollution Control Officer dated February 6, 1984, which

confirms District practices. The Technical Support Document also discusses a minor deficiency with regard to offsets for nonreactive organic gases.

Another serious deficiency in the proposed rules which might result in a disapproval is in the area of exemptions. Any of the exemptions which are not remedied by final rulemaking should be disapproved, including those exemptions currently included in the applicable SIP which were conditionally approved in 1981.

EPA has also reviewed the banking rules adopted by the District on February 16, 1983. These revisions, while not yet formally submitted to the EPA as a SIP revision, reflect a serious effort at development of a sound emissions banking system. The rules, however, include deficiencies which are substantial, and could undermine the entire banking program and basic new source review program, as well as casting some cloud over the integrity of the nonattainment area plan (NAP) attainment strategy. The most serious deficiency is the failure of the rules to restrict the crediting and use of emissions reductions from source shutdowns and curtailments as required under 40 CFR 51.18(j)(3)(ii)(c). Another serious problem with the District's management of shutdowns is the provision (at Rules 20.8 and 26.8) which allows re-starting of sources whose termination of operation has been presumed, as an offset credit, for the permitting of a new or modified source. EPA's regulations require that such offsets be permanent, and further that such re-starting of a source be treated as new construction and subject to all NSR requirements.

San Diego's previously approved NSR rules (46 FR 21749, April 14, 1981) also included brief banking provisions, which were approved on the condition that they be brought into accordance with EPA's Interpretative Ruling. The District's November 25, 1981, rule revisions did modify Rules 20.1(c) (2) and (6) to address EPA's requirements. However, EPA subsequently published its proposed Emissions Trading Policy Statement (ETPS) on April 7, 1982 (47 FR 15076) which further developed the banking requirements. In the near future EPA expects to publish the final ETPS, and also anticipates that the District will be submitting more comprehensive banking rules for inclusion in the SIP. For all of these reasons, EPA is taking no action on revised rules (20.1(c) (2) and (6)), as submitted on March 1 and August 6, 1982. These rules would have superseded similar rules in the currently approved SIP, which will be retained. EPA's condition that the banking rules

be brought into accordance with federal requirements will be extended, and any use of banked credits of nonattainment pollutants prior to final approval of the banking provisions for inclusion in the SIP will be seen as inconsistent with the Clean Air Act.

District rules lack health and welfare equivalence provisions for emission reduction credits and do not assure federal enforceability of netting credits. The federal requirement was the subject of an EPA proposal on August 25, 1983 (48 FR 38792). Upon final rulemaking on the August 25 proposal, District rules must be brought into conformity with health and welfare and federal enforceability requirements within one year. The District must commit to implementing these provisions in the interim.

Finally, since the District's February, 1983 adoption of banking rules has already resulted in the deletion from local regulations of Rules 20.1 (c) (2) and (6), and since it was these sections of the rules which had previously constrained the crediting and use of shutdowns and curtailments, the District resolution of January 10, 1984, which prohibits any shutdown credits inconsistent with the requirements of 40 CFR 51.18(j), must also be included in the SIP.

The SDAPCD regulations described above are discussed in detail in EPA's Technical Support Document, which provides the basis for today's proposal (available at the locations listed in the ADDRESSES section of this notice).

EPA intends to consider the San Diego NSR rule, as it was amended on January 19, 1983, to be the same rule as the rule further amended on February 16, 1983, except for the February addition of the bank and the removal of the prior shutdown restriction. Therefore, EPA intends to consider federally enforceable any valid permit issued by San Diego under the February NSR rule which does not use banked or prior shutdown emission reduction credits. A valid permit is any permit correctly issued in accordance with the San Diego regulations. As discussed above, the District Board committed on January 10, 1984 not to use those portions of the February amendments which allow "emission reductions resulting from equipment shutdowns to be used as emission offsets to satisfy NSR rule requirements unless such use is consistent with the federal regulations regarding emission reduction credits and emission offset eligibility specified in 40 CFR 51.18(j) as it exists on January 10, 1984." EPA intends to approve this resolution as a federally enforceable

part of the State Implementation Plan for San Diego. EPA invites public comment on this approach.

Proposed Action

EPA proposes to approve, under sections 110 and Part D of the Clean Air Act, SDAPCD Rules 20.1, 20.2, 20.3, 20.4 and 20.6 as submitted on March 1, 1982, August 6, 1982 and March 11, 1983, except for Rules 20.1(c) (2) and (6). EPA also proposes to approve the January 10, 1984 Board Resolution submitted on February 27, 1984, for inclusion in the SIP.

EPA also proposes to rescind 40 CFR 52.232(a)(4)(i)(A), assuming all of the minor issues discussed in the TSD are resolved, thereby eliminating the NSR conditions promulgated in EPA's previous rulemaking of April 14, 1981 (see "Background", above). Finally, EPA is proposing to disapprove exemptions, cited in this Notice and in the Technical Support Document, which are not brought into conformity with federal requirements.

No action is being proposed on the source definition (Rule 20.1(a)(8)), on the LAER definition (Rule 20.1(a)(3)), or on offset regulations at Rules 20.1(c) (2) and (6), as discussed above under evaluation. EPA proposes to extend and recodify that portion of the previous condition on approval of the NSR rule regarding source definition pending the outcome of court litigation on the issue. EPA also proposes to extend and recodify that portion of the NSR condition regarding banking until the District submits and EPA approves comprehensive banking rules meeting federal requirements.

Under Executive Order 12291, today's action is not major. It has been submitted to the Office of Management and Budget (OMB) for review. I certify that this action will not have a significant effect on a substantial number of small entities.

Authority: Secs. 110, 129, 171 to 173, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7429, 7501 to 7503, and 7601(a)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: April 17, 1984.

John Wise,

Acting Regional Administrator.

[FR Doc. 84-25223 Filed 9-21-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[A-5-FRL-2677-3]

Designation of Areas for Air Quality Planning Purposes Attainment Status Designations; Indiana

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: USEPA proposes to approve the State of Indiana's request to change the Total Suspended Particulates (TSP) designation for a portion of Clark County (Jeffersonville Township) from primary nonattainment to secondary nonattainment. The rest of the county will remain attainment. Additionally, it proposes to disapprove the State's request to change the TSP designation for a portion of Dubois County (Bainbridge Township) from primary nonattainment to attainment.

Under the Clean Air Act (Act), designations can be changed if sufficient data are available to warrant such a change. Indiana provided sufficient data in the case of Clark County to justify the redesignation, but the data for Dubois County show the secondary TSP standard has not been attained. The notice proposes to change the designation of Bainbridge Township to secondary nonattainment, if the State makes such a request during the public comment period.

DATE: Comments are due by November 23, 1984.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses:

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 S. Dearborn Street, Chicago, Illinois 60604

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

Comments on this proposed rule should be addressed to: (Please submit an original and five copies, if possible.) Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner (312) 886-6036.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Act, the Administrator of USEPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for each area of Indiana. See 40

CFR 81.315. These area designations may be revised whenever the data warrants.

The primary TSP NAAQS is violated when, in a year, either: (1) The geometric mean value of TSP concentrations exceeds 75 micrograms per cubic meter of air ($75 \mu\text{g}/\text{m}^3$) (the annual primary standard), or (2) the maximum 24-hour concentration of TSP exceeds $260 \mu\text{g}/\text{m}^3$ more than once (the 24-hour standard). The secondary TSP is violated when, in a year, the maximum 24-hour concentration exceeds $150 \mu\text{g}/\text{m}^3$ more than once.

The current designations for TSP in Clark and Dubois Counties, in Indiana, as codified in 40 CFR Part 81.315 (1983):

Clark—Primary Nonattainment:

Jeffersonville Township

Attainment: Remainder of the County

Dubois—Primary Nonattainment:

Bainbridge Township

Attainment: Remainder of the County

On April 14, 1983, the State of Indiana requested USEPA to revise the TSP designations of Clark and Dubois Counties. Additional technical information was submitted on July 27, 1983. On September 2, 1983, USEPA notified the State of Indiana that their redesignation request was not approvable due to a lack of technical support. On September 23, 1983, the State acknowledged USEPA's deficiency letter and stated a more detailed response would be forthcoming. On February 16, 1984, the State submitted a revised redesignation request and additional technical support to revise the TSP designation of Clark and Dubois Counties, Indiana to:

Clark—Secondary Nonattainment:

Jeffersonville Township

Attainment: Remainder of the County

Dubois—Attainment: Entire County

Additional technical support was submitted to USEPA on April 13, 1984, and May 16, 1984. Further discussion of each county is described below:

Clark County (Jeffersonville Township)

To support the redesignation request, the State submitted ambient air quality data collected at three monitors in Clark County, Indiana during the period 1982-1983 and a dispersion modeling analysis. No violation of the primary TSP NAAQS were measured during this period. One site, however, recorded violations of the secondary 24-hour TSP NAAQS in 1983. These consisted of four exceedances of the standard. Therefore, the monitored data indicate nonattainment of the secondary TSP NAAQS. The dispersion modeling submitted by the State also indicates secondary nonattainment in

the Township. The technical data are discussed in more detail in the technical support document which is available at USEPA's Region V office.

In a letter to USEPA dated January 13, 1984, the State cited several reasons for the improvement in the TSP concentrations in Jeffersonville Township; including source shutdowns and the paving of gravel parking lots near the problem monitor, improvements in the City of Jeffersonville's street cleaning program, and significant emission reductions in various area source categories (e.g., discontinuation of driftwood burning and conservation tilling practices in Clark County). Dispersion modeling and filter analysis submitted by the State verify the effectiveness of these emission reductions in improving ambient TSP concentrations. [Note, the most recently approved stationary source SIP (July 16, 1982, 47 FR 30972) for Clark County was based on status quo emissions. USEPA data show all stationary sources in compliance with the Federally approved SIP, except for Occidental Chemical Corporation, where the State has requested a site-specific SIP revision. See 49 FR 20518, May 15, 1984.]

USEPA has determined that the State's explanation for improvement in TSP concentrations in Jeffersonville Township is acceptable. Therefore, based on the available technical support from the State, USEPA proposes to approve the redesignation of Jeffersonville Township in Clark County to secondary nonattainment for TSP. The remainder of the County will remain designated attainment.

Dubois County (Bainbridge Township)

To support the redesignation request, the State submitted ambient air quality data collected at one monitor in Dubois County and a dispersion modeling analysis. During the period 1982-1983, there were no violations of the primary TSP NAAQS. In 1983, however, there was one violation (two exceedances) of the secondary 24-hour NAAQS recorded at the one monitor.

The State requested USEPA to discount the secondary exceedance which occurred on March 1, 1983, and, thereby, remove the violation. USEPA reviewed the State's request and determined that there was no basis for ignoring this datum for redesignation purposes. As a result, USEPA considers both of the 1983 exceedances to be valid, and the secondary 24-hour TSP NAAQS has not been met in Bainbridge Township. Additional technical data are discussed in the technical support document which is available at USEPA's Region V office.

As a result of this recent monitored violation, USEPA cannot approve the State's request to redesignate Bainbridge Township to full attainment for TSP. Therefore, USEPA proposes disapproval of the redesignation of Bainbridge Township in Dubois County to full attainment for TSP. However, the modeling and monitoring data in the State's submittal do demonstrate attainment of the primary, although not the secondary, standards in Dubois County. If the State so requests, during the public comment period, then USEPA is proposing to approve redesignating Bainbridge Township to secondary nonattainment, if during the public comment period the State so requests. If the State does not request redesignation to secondary nonattainment, then USEPA is proposing that the Bainbridge Township designation will remain nonattainment.

USEPA is providing a 60 day public comment period on this notice of proposed rulemaking. Public comments received on or before November 23, 1984, will be considered in USEPA's final rulemaking. All comments will be available for inspection during normal business hours at the Region V office listed at the front of this notice.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Section 107(d) and 301 of the Act, as amended)

Dated: August 20, 1984.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 84-25224 Filed 9-21-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[SW-6-FRL-2678-8]

Oklahoma; Final Authorization of State Hazardous Waste Management Program; Tentative Determination on Application of State of Oklahoma for Final Authorization

AGENCY: Environmental Protection Agency (EPA).

ACTION: Public hearing and public comment period.

SUMMARY: The State of Oklahoma has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed the State's application and has made the tentative determination that, with one exception noted below, the State of Oklahoma's hazardous waste program satisfies all of the requirements necessary to qualify for Final Authorization. Thus, EPA intends to grant Final Authorization to the State to operate its program in lieu of the federal program in the State. The State of Oklahoma's application for Final Authorization is available for public review and comment and a public hearing will be held to solicit comments on the State's program submittal and EPA's tentative decision.

DATES: A public hearing is scheduled for October 24, 1984 at 7:00 p.m. The State of Oklahoma will participate in the public hearing held by EPA on this subject. All comments on the State's application and EPA's tentative determination must be received by the close of the public hearing on October 24, 1984.

ADDRESSES: Copies of Oklahoma's final authorization application are available during business hours at the following addresses for inspection and copying: Oklahoma State Department of Health, 1000 NE. 10th Street, Oklahoma City, Oklahoma 73152; U.S. EPA Headquarters Library, PM 211A, 401 M Street, S.W., Washington, D.C. 20460, Phone: (202) 832-5926; U.S. EPA Region VI Library, 1201 Elm St, Dallas, Texas 75270, Phone: (214) 767-7341. Written comments should be sent to H.J. Parr, Hazardous Materials Branch, Environmental Protection Agency, 1201 Elm St, Dallas, Texas 75270, Phone: (214) 767-2645. EPA will hold the public hearing on October 24, 1984 in the Sequoyah Auditorium, Sequoyah Building, 2400 North Lincoln Blvd., Oklahoma City, Oklahoma 73152.

FOR FURTHER INFORMATION CONTACT: H.J. Parr, Hazardous Materials Branch, U.S. EPA, 1201 Elm St, Dallas Texas 75270, Phone: (214) 767-2645.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. Two types of authorization may be granted. The first type, known as "Interim Authorization," is a temporary authorization which is granted if EPA determines that the State

program is "substantially equivalent" to the Federal program (section 3006(c), 42 U.S.C. 6226(c)). EPA's implementing regulations at 40 CFR 271.121-271.137 established a phased approach to Interim Authorization: Phase I, covering the EPA regulations in 40 CFR Part 260-263 and 265 (universe of hazardous wastes, generator standards, transporter standards and standards for interim status facilities) and Phase II, covering the EPA regulations in 40 CFR Parts 124, 264, and 270 (procedures and standards for permitting hazardous waste management facilities).

Phase II, in turn, has three components. Phase II, Component A, covers general permitting procedures and technical standards for storage of hazardous waste in containers and tanks. Phase II, Component B, covers incinerator facilities, and Phase II, Component C, addresses facilities that dispose of hazardous waste in landfills, land treatment facilities, surface impoundments and waste piles. By statutes, all interim authorizations expire on January 26, 1985.

Responsibility for the hazardous waste program returns (reverts) to EPA on that date if the State has not received final authorization, as described below.

The second type of authorization is a "final" (permanent) authorization that is granted by EPA if the Agency finds that the State program: (1) Is "equivalent" to the Federal program, (2) is consistent with the Federal program and programs in other States, and (3) provides for adequate enforcement (section 3006(b), 42 U.S.C. 6226(b)). States need not have obtained interim authorization in order to qualify for Final Authorization. EPA regulations for Final Authorization appear at 40 CFR 271.1-271.23.

B. State of Oklahoma

Oklahoma received Phase I Interim Authorization on January 14, 1981, Phase II, Components A and B Interim Authorization on December 13, 1982, and Phase II, Component C, Interim Authorization on June 23, 1983. On June 22, 1984, Oklahoma submitted a complete application for Final Authorization. Prior to its submission, Oklahoma solicited public comment and held a public hearing on its draft application.

During the review of the State's program, EPA noted that Oklahoma's Controlled Industrial Waste Disposal Act (CIWDA) section 1-2009 provides "after a controlled industrial waste facility has been closed, its owner or

operator shall properly maintain and monitor the controlled industrial waste facility for a period of *not more than thirty (30) years* as determined by the Department at the time of issuance of the permit and shall make such repairs or improvements as deemed necessary by the Department to ensure that no migration of controlled industrial waste material will occur from the controlled industrial waste facility." (Emphasis added).

EPA has found this provision of the State's statute conflicts with 40 CFR 264.117(a)(2)(ii) of the federal regulations which states: "Prior to the time that the post-closure care period is due to expire, the Regional Administrator may extend the post-closure care period is due to expire, the Regional Administrator may extend the post-closure care period if he finds that the extended period is necessary to protect human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of waste at levels which may be harmful to human health and the environment)."

Ordinarily such a gap would preclude the authorization of the State. Oklahoma, however, has made the argument, and EPA agrees, that the State's program is equivalent to EPA's with the exception of extending the 30 year post-closure care period and that the authority to require the extension of a post-closure care period would not be needed until the last few years of the 30 year period.

The State of Oklahoma has agreed in the Memorandum of Agreement to seek a change in section 1-2009 of CIWDA which would authorize regulations by which the State could require extension of the post-closure care period beyond the 30 years.

EPA agrees to this approach for two reasons:

- (1) There will be a significant amount of time before the State would be required to exercise the authority to extend a post-closure care period; and
- (2) The State has agreed to seek this authority from the Oklahoma Legislature within a reasonable amount of time.

EPA is concerned that this authority be available to the State at the earliest possible time. Therefore, if the State has not obtained the authority to extend the post-closure care period beyond 30 years for cause and implemented this authority through appropriate regulations within two (2) years of the effective date of the State's Final

Authorization, EPA will commence proceedings under 40 CFR 271.23(b) to withdraw approval of the State's program. Criteria for withdrawing approval of State programs is found in 40 CFR 271.22.

EPA has reviewed Oklahoma's application and has tentatively determined that, with the above mentioned exception, the State's program meets all of the requirements necessary to qualify for Final Authorization. Consequently, EPA intends to grant Final Authorization to Oklahoma. In accordance with section 3006 of RCRA and 40 CFR 271.20(d), the Agency will hold a public hearing on the tentative decision on October 24, 1984, at 7:00 in the Sequoyah Auditorium, Sequoyah Building, 2400 North Lincoln Blvd., Oklahoma City, Oklahoma 73152. The public may also submit written comments on EPA's tentative determination and the State's submittal up until the close of the public hearing on October 24, 1984. Copies of Oklahoma's application are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

EPA will consider all public comments on its tentative determination. Issues raised by those comments may be the basis for a decision to deny final authorization to Oklahoma. EPA expects to make a final decision on whether or not to approve Oklahoma's program by December 24, 1984, and will give notice of it in the *Federal Register*. The Notice will include a summary of the reasons for the final determination and a response to all major comments.

The State does not seek authorization to administer the Oklahoma Hazardous Waste Management program in lieu of the federal program over Indian Lands in Oklahoma. Thus EPA will implement the federal program on Indian Lands after Final Authorization.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Dated: August 31, 1984.

Dick Whittington, P.E.,
Regional Administrator.

[FR Doc. 84-25354 Filed 9-21-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80-634]

Changes in the Corporate Structure and Operations of the Communications Satellite Corporation; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: This erratum corrects paragraphs 11, 17, 19, and 20 of the Second Notice of Proposed Rulemaking, in this Proceeding concerning the Communications Satellite Corp. released August 14, 1984. The purpose of these amendments is to clarify certain proposals concerning filing requirements for Comsat and its affiliates and to expand upon certain procedural matters. The proposed rule was published in the Federal Register on August 28, 1984 (49 FR 34041).

FOR FURTHER INFORMATION CONTACT: Joel Pearlman, International Conference Staff, Common Carrier Bureau, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554, (202) 632-4047.

SUPPLEMENTARY INFORMATION: Erratum

In the matter of changes in the corporate structure and operations of the Communications Satellite Corporation; CC Docket No. 80-634.

Released: August 20, 1984.

Paragraphs 11 and 20 of the Commission's Second Notice of Proposed Rulemaking, adopted August 8, 1984, released August 14, 1984, should read as follows:

11. COMSAT General's Forms M and 901 are filed in a format similar to Comsat's other filings. We question whether this level of reporting is necessary for regulatory purposes. Comsat's leases of COMSTAR and MARISAT capacity are diminishing as these satellites reach the end of their useful lives and are not being replaced. In addition, we have streamlined the regulatory requirements for non-dominant domestic common carriers generally.¹ Most important, these COMSAT General reports are not useful in regulating jurisdictional activities. Instead of these reports, additional information from COMSAT on details of its intracorporate transactions with

subsidiaries and other affiliates would better enable us to meet our regulatory responsibilities. We tentatively conclude that COMSAT General need not be required to file Form M and Form 901 reports on its domestic common carrier operations. Comsat would file data on its transactions with COMSAT General and COMSAT General would file only those reports required of similarly situated domestic carriers. To the extent that COMSAT General or other Comsat subsidiaries or partnerships offer regulated services other than domestic common carrier operations, such entities would remain subject to the reporting requirements set forth in Part 43 of the Commission's Rules and Regulations and other applicable Commission decisions.

20. It is further ordered that the Secretary shall cause a copy of this order to be published in the Federal Register. Because this proceeding will not result in the solicitation of information from ten or more entities, this NPRM is exempted from the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 35.

The following should be inserted between the second and third sentences of Paragraph 17:

In reaching its decision on this matter the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

The following should be inserted following the last sentence of Paragraph 19:

In addition, the Act excludes from the application of the statute proceedings such as this that involve "a rule of particular applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor, or to valuations, costs or accounting practices relating to such rates, wages, structures, prices, appliances, services, or allowances". 5 U.S.C. 601(2).

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 84-25262 Filed 9-21-84; 8:45 am]

BILLING CODE 6712-07-M

47 CFR Part 67

National Association of Regulatory Utility Commissioners (NARUC) Response to Common Carrier Bureau Questions on the St. Louis Resolution; Request for Comments

AGENCY: Federal Communications Commission.

ACTION: Notice requesting comments.

SUMMARY: The Commission seeks comments on a letter from the National Association of Regulatory Utility Commissioners (NARUC) concerning a resolution adopted by NARUC, which included a proposal for a single set of access tariffs established and administered by the state commissions subject to federal guidelines. Comments are being requested concerning this proposal in order to supplement the existing record. Additional comments will facilitate the Commission's decision-making processes.

DATE: Comments are to be filed with the Secretary, by October 3, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Claudia Pabo or William Kirsch of the Common Carrier Bureau at (202) 632-6363.

SUPPLEMENTARY INFORMATION:

September 19, 1984.

Commission Seeks Comments on National Association of Regulatory Utility Commissioners (NARUC) Response to Common Carrier Bureau Questions on the St. Louis Resolution

(MTS and WATS Market Structure Inquiry, CC Docket No. 78-72; Amendment of Part 67 of the Commission's Rules, CC Docket No. 80-286)

In its Order on Further Reconsideration in the MTS and WATS Market Structure Inquiry, CC Docket No. 78-72, Phase I, FCC 84-36 (released February 15, 1984) the Commission deferred subscriber line charges for residential and single-line business subscribers until June 1985. At that time the Commission stated that it would complete a number of additional proceedings before it allowed subscriber line charges for these subscribers to become effective. The Commission began further proceedings on subscriber line charge exemptions or targeted assistance for needy subscribers, more effective mechanisms to meet the needs of small telephone companies, and how best to implement subscriber line charges for residential and single-line

¹ See Policy and Rules Concerning Rates for Competitive Carrier Services and Facilities Authorizations Thereof (Fourth Report and Order), FCC 83-181 (released November 2, 1983).

business customers by seeking comments in its *Further Notice of Proposed Rulemaking*, CC Docket Nos. 78-72 and 80-286, FCC 84-133 (released April 11, 1984). The Commission also concluded that preparation of a recommended decision by the existing Joint Board in CC Docket No. 80-286, *Amendment of Part 67*, concerning these issues would facilitate its decision-making processes.

In the *Further Notice of Proposed Rulemaking* the Commission stated that, based on the substantial record in this proceeding, it is convinced that a significant reduction in the level of toll loading is necessary to ensure the long term viability of the telephone network and best serve the four basic goals which it had established in this proceeding, namely: (1) The continued assurance of universal service; (2) the elimination of unjust discrimination or unlawful preferential rates; (3) the encouragement of network efficiency; and (4) the prevention of uneconomic bypass. The Commission also stated that it had reached a number of basic conclusions. First, bypass and the economic inefficiency inherent in the present system of toll rates represent a serious long term threat to universal service. Second, the emergency of competition in the telecommunications industry requires that charges more fully reflect the cost of service. Third, a nationwide solution to these problems is necessary in the near future to provide the industry with certainty. Fourth, flat fee subscriber line charges are an equitable and economically sound method for recovering a portion of non-traffic sensitive costs, although assistance is needed for low income subscribers and those in high cost areas. Fifth, an appropriate transition to the new environment is needed. The Commission sought comments on the residential and single line business subscriber line charges as a means toward these ends. In addition, the Commission made provisions for the Joint Board to consider possible variants which will significantly decrease toll loading and achieve the four basic goals listed above.

An alternative approach discussed in the comments by several state commissions included a proposal for a single set of access tariffs established and administered by the state commissions in compliance with federal guidelines recommended by the Joint Board and approved by the Commission. At a meeting in St. Louis on May 8, 1984, the Communications Committee of the National Association of Regulatory Utility Commissioners (NARUC)

adopted this proposal, entitled "the St. Louis Resolution". The Executive Committee of NARUC subsequently approved the resolution at a meeting in San Diego in July.

The Common Carrier Bureau's analysis of the general outlines of the St. Louis plan raised a number of questions concerning its meaning. On August 24, 1984, the Chief, Common Carrier Bureau, in a letter to Junie L. Bradshaw, President of NARUC, asked the Communications Committee for clarification on a number of points. The Bureau's letter also stated that interested parties would be given an opportunity to comment on the NARUC filing. NARUC filed its response with the Commission on September 17, 1984.

The Commission hereby requests comments on the NARUC filing concerning the St. Louis Resolution, a copy of which is attached. Comments are to be filed with the Secretary, Federal Communications Commission by October 3, 1984. Each filing is to contain two originals, two duplicates and six copies for the federal staff. Copies are to be mailed to the Joint Board members and staff shown on the attached service list.

For further information, contact Claudia Pabo or Bill Kirsch at (202) 632-6363.

William J. Tricarico,
Secretary, Federal Communications
Commission.

National Association of Regulatory Utility
Commissioners

September 14, 1984.

Jack D. Smith,
Chief, Common Carrier Bureau, Federal
Communication Commission, 1919 M
Street, NW., Washington, D.C. 20554

RE: Clarification of NARUC St. Louis
Resolution

Dear Mr. Smith: On August 29, 1984 the NARUC received a copy of a letter you sent to Junie L. Bradshaw, President of the NARUC. The letter asked the NARUC Communications Committee for clarification on a number of questions the FCC had concerning the resolution adopted by the Committee in St. Louis, Missouri on May 8, 1984. It requested that the NARUC provide answers to these questions by September 14, 1984 and proposed that interested parties would then be allowed two weeks in which to comment on these answers.

The following are the Communications Committee's answers to the questions you have posed.

1. Is the St. Louis plan meant to apply to both NTS and traffic sensitive (TS) costs? (Although the text of the resolution does not contain language specifically addressing this point, the reference to "a single set of access charges tariffs . . . for all interexchange use of local plant . . ." suggests that the St.

Louis resolution contemplates state access charge tariffs for both NTS and TS costs).

Yes, the St. Louis Resolution is intended to apply to both NTS and TS costs. The Resolution in paragraph number 1 provides "state commissions shall recover under a single set of access tariffs, interstate costs allocated by the Joint Board for all interexchange use of local plant within each state." The words "interstate costs" and "all" in this paragraph are intended to encompass both traffic sensitive and non-traffic sensitive costs along with directly assigned costs.

Under the current federal plan, most local operating companies are required to file both a State and a separate federal access charge tariff. The St. Louis Plan could reduce this quantity of tariffs by 50% if all States participate in the plan. A reduction of 50% in the number of tariffs required would result in a substantial reduction in administrative burden and expense. Additionally, State participation in the Plan would result in a substantial improvement in customer understanding since, within a given participating State, there would be a single set of unified tariffs.

2. Would the federal guidelines effectively govern the structure and cost recovery levels for the intrastate allocation of local exchange costs? (The provision in the St. Louis resolution for a single set of access tariffs for all interexchange use of the local plant subject of federal guidelines as well as the prohibition on charges which discriminate against interstate services suggest that intrastate access cost would be recovered in conformity with the federal guidelines. The bureau is not certain, however, that this is an accurate construction of the St. Louis proposal, since recovering the intrastate allocation of local exchange costs pursuant to a single set of access charge tariffs governed by FCC guidelines could be reviewed as an incursion on traditional state ratemaking authority).

Indirectly, the federal guidelines may influence the interplay between local exchange and intrastate toll rates because intrastate access charge levels will be dependent upon interstate rates. This is true today for those States which have adopted the interstate toll rate structure for intrastate toll rates.

However, the federal guidelines will apply exclusively to interstate services and costs. They will not preempt in any way State authority over intrastate services.

3. At what level should the cap on NTS costs to be recovered through interstate interexchange services be set? (The guidelines set out in the St. Louis resolution do not discuss the level of the cap.)

The cap on NTS costs relates to the maximum portion of NTS costs that can be recovered through interstate carrier common line charges. The St. Louis Plan contemplates a recommendation by the current 410(c) Joint Board to the FCC on the level at which NTS costs should be capped.

However, a participating State should have the flexibility to recover a lesser amount of NTS costs from access charges assessed on interstate interexchange carriers to combat bypass. The cap on interstate interexchange

carriers could be in the form of a percentage of the exchange carrier's NTS revenue requirement.

4. Would State access charge plans or tariffs be reviewed by the FCC for compliance with the federal guidelines prior to implementation? (The text of the resolution states that the State plans for interstate access charges and the implementing tariffs are to comply with the federal guidelines, but it does not state whether the FCC would review the State plans or the resulting tariffs prior or subsequent to implementation. If prior or subsequent FCC review is contemplated by the St. Louis proposal, what would be the mechanism for review? Would actual tariffs be submitted to the FCC, or would State plans be submitted in lieu of tariffs? What would be the effect of FCC rejection of a proposed tariff plan?)

Pre-implementation review by the federal reviewing body may be acceptable. However, the process for determining whether a State's tariffs should be approved would be limited to a determination of whether the tariffs conformed with the established federal guidelines.

The actual tariffs, along with an explanation of their compliance with federal guidelines, would be submitted for review. A rejection of the tariffs for noncompliance should result in the State being afforded an opportunity to address the reasons for rejection as well as an opportunity to resubmit restructured tariffs.

The FCC should allow as many States as possible the opportunity to administer unified access tariffs that mirror federally recommended tariffs. If the FCC finds it inadvisable to endorse the St. Louis Plan for all States at the present time, a limited number of States could, however, be authorized to provide for tariffs on an experimental basis which comply with the federal guidelines but differ in structure.

5. How would the system of review by the Joint Board and the FCC mesh with possible court review of State commission actions? (The St. Louis Plan provides for Joint Board (and presumably FCC) review of the unified access charge tariffs for compliance with the federal guidelines. However, State commission actions are normally subject to State court review.) What would happen if a question was appealed in State court at the same time that it was raised in a petition before the Joint Board?

It is possible that both federal and State bodies would review a participating State's plan concurrently. This would not, however, raise any jurisdictional problems or administrative burdens. The jurisdiction of the federal body would extend only to a review of the interstate aspects of the Plan and the compliance of the Plan with federal guidelines while the jurisdiction of the State body would extend to the intrastate aspects of the plan and the compliance of the plan with State statutes and regulations.

The federal reviewing body could consist of a Joint Board specially convened under sections 410(a) or 410(c) of the Communications Act, 47 U.S.C., 410(a), 410(c). Naturally, any final order of an administratively-final Joint Board or the FCC would be subject to federal court jurisdiction.

6. How detailed should the federal guidelines be? (The guidelines set out in the text of the St. Louis resolution are stated in extremely general terms. However, this would require that each State develop its own set of access charge terms and conditions. This could be extremely time consuming for the States and confusing for the interchange carriers with different tariff provisions applying in different States).

The federal guidelines should be specific enough to ensure consistency with the objectives of the Communications Act of 1934 yet general enough to allow geographic flexibility and the creativity to develop better ways of dealing with the problems facing regulators today. The following is a suggested list of specific guidelines:

Specific Guidelines for Unified Plans Implementing the St. Louis Resolution

1. A cap on the total NTS costs which may be recovered from interstate interexchange carriers for their access to the local exchange.

—Interstate access charges must be limited to recovering the interstate jurisdictional revenue allocated by the separations process.

—Jurisdictional separations procedures would continue to be determined by the Federal/State Joint Board.

2. Charges shall not discriminate against interstate interexchange service.

—See Response #9 below. This does not mean that access charges per minute of use or flat rate charges must be the same for both interstate and intrastate access.

3. Charges shall not discriminate between different interexchange carriers utilizing the same services or facilities.

4. Charges shall not encourage uneconomic bypass.

—Access charges may be set to recover less than the amount allocated to the interstate jurisdiction to reduce the average cost of toll services.

—Bulk discounts, tapers and other discounts may be offered to large volume end users as competitive necessity requires.

5. Charges shall promote universal service.

6. A State may adopt a unified plan developed by another State, develop its own plan meeting these specific guidelines or adopt a federal "fall back" plan.

7. The existing NECA tariff shall be the basis for the terms and conditions of access provision. Any deviation from those terms and conditions shall be noted and justified.

7. Would the St. Louis Plan allow for a national Universal Service Fund such as that adopted by the FCC earlier in CC Docket No. 80-286? (The text of the resolution refers to tariffs for the recovery of "interstate costs * * * for all interexchange use of local plant within each State * * *". This suggests that each State would recover its own NTS costs, supporting high cost areas with assistance generated in lower cost areas within the State. This approach could adversely affect telephone subscribers in States with high NTS local exchange costs in light of the larger variation in the statewide average anticipated NTS local exchange cost per loop).

The St. Louis Plan would easily accommodate a national Universal Service Fund (USF) such as the one adopted by the FCC in Docket No. 80-828 or the one proposed by the Joint Board in the same docket. Under the St. Louis Plan, as with the current federal access charge plan, a number of different interstate High Cost Factor schemes could be implemented.

Clearly, however, the need for interstate USF assistance would be reduced because States would, in most cases, have the flexibility to handle such problems either through pricing strategies or interstate intercompany subsidiaries without federal assistance.

Any USF would have to be federally administered where interregional transfers were involved.

8. Would the St. Louis approach be consistent with maintenance of nationwide average toll rates? If not, could the St. Louis proposal be modified so as to create less pressure for de-averaging? (The St. Louis plan appears to contemplate different levels of NTS cost recovery through the interstate access charges in different areas. This would substantially increase the pressure for toll rate de-averaging and conflict with the historic practice of nationwide averaging and with recent FCC efforts to continue toll rate averaging by mandating national averaging of the carrier common line element which covers most of the NTS costs to be recovered from the interchange carriers.) Does NARUC support extensive toll rate de-averaging if the St. Louis Plan were adopted?

Pressure for nationwide de-averaging of toll rates has already been created by the FCC's position regarding interstate competition and the serious consideration it has given to proposals to deregulate AT&T's basic interstate services in the near future. Implementation of the St. Louis Plan would not exacerbate this pressure.

Indeed, under the St. Louis Plan participating States utilizing properly structured federal guidelines will minimize pressure or de-averaging. The cap and guidelines will help to average access charges nationwide.

It is geographic and route-specific de-averaging and not the bulk discounts, tapers and other discounts contemplated by the St. Louis Plan, which present the greatest potential negative impact on universal service.

9. What would constitute discrimination against interstate services? Would anti-discrimination provision prohibit any differences in access charge rates or tariff terms and conditions for intrastate and interstate services? (The terms of the resolution propose a prohibition on such discrimination as one of the guidelines but do not elaborate on the meaning of this provision).

The suggested guideline in the St. Louis Resolution which states that "charges shall not discriminate against interstate, interexchange service" does not prohibit differences in rates or other terms and conditions between intrastate and interstate services. Discrimination would occur if a State set interstate access charges so as to

place an unjustified burden on interstate communications. For instance, if a State set interstate access charges higher than it set intrastate access charges, it would have to have a strong justification for so doing. Higher interstate costs would be an example of such a justification.

In at least most States, costs differ between interstate and intrastate access services. Although States can set intrastate access charges on any reasonable basis, a reasonable relationship between costs and charges should be maintained. Therefore, although parity between intrastate and interstate access charges may often be desirable, parity would be improper in situations where it results in charges which are too far out of line with costs. States must continue to make these determinations and should not be foreclosed from setting intrastate access charges higher or lower than interstate access charges if costs of other factors justify doing so.

We hope the above-specified responses aid the Commission and interested members of the public in evaluating the NARUC's St. Louis Plan.

Sincerely,

Edward B. Hipp,

Chairman, NARUC Communications Committee.

EBH:jrf

cc: Mark Fowler, Chairman
Henry Rivera, Commissioner
James Quello, Commissioner
Dennis Patrick, Commissioner
Mimi Dawson, Commissioner
Parties of Record—CC Docket No. 78-72
Parties of Record—CC Docket No. 80-286

Attachment

Joint Board Members

Chairman Mark S. Fowler, Federal Communications Commission, Room 814, 1919 M Street, NW., Washington, D.C. 20554

Commissioner Henry M. Rivera, Federal Communications Commission, Room 822, 1919 M Street, NW., Washington, D.C. 20554

Commissioner Mimi Weyforth Dawson, Federal Communications Commission, Room 826, 1919 M Street, NW., Washington, D.C. 20554

Commissioner Marvin R. Weatherly, Alaska Public Utilities Commission, Suite 100 420 L Street, Anchorage, Alaska 99501, (Express Mail or Courier Service)

Chairman Edward F. Burke, Rhode Island Public Utilities Commission, 100 Orange Street, Providence, Rhode Island 02903,

Commissioner Edward P. Larkin, New York Public Service Commission, 400 Broome Street, New York, New York 10013

Commissioner Edward B. Hipp, North Carolina Utilities Commission, Box 991, Raleigh, North Carolina 27602

Federal State Joint Board Staff

Kathleen Whiteaker, Chairman, Federal State Joint Board Staff, Alaska Public Utilities Commission, 420 L Street, Suite 100, Anchorage, Alaska 99501, (Express Mail or Courier Service)

Paul Popenoe, Jr., California Public Utilities Commission, 350 McAllister Street, San Francisco, California 94102

Timothy J. Devlin, Deputy Director, Auditing and Financial Analysis Dept., Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32301

Elton Calder, Georgia Public Service Commission, 244 Washington Street, SW., Atlanta, Georgia 30334

Robert E. Osborn, Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319

Guy E. Twombly, Maine Public Utilities Commission, State House, Station 18, Augusta, Maine

Ronald Choura, Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909

Allan Bausback, New York Public Service Commission, Empire State Plaza, Albany, New York 12223

Hugh L. Geringer, Public Staff—NCUC, Communications Division, Box 991, Raleigh, North Carolina 27602

Jim Lanni, Rhode Island Public Utilities Commission, 100 Orange Street, Providence, Rhode Island 02903

Gary A. Evenson, Director, Communications Bureau, Utility Rates Division, Public Service Commission, P.O. Box 7854, Madison, Wisconsin 53707

Claudia R. Pabo (4 copies), Room 544, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554

[FR Doc. 84-25278 Filed 9-21-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-718; RM-4622]

FM Broadcast Stations in Rutland, VT and Plattsburgh, NY; Order Extending Time for Filing Comments and Reply Comment

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: Action taken herein, at the request of Plattsburgh Broadcasting Corporation, extends the comment and reply comment period to respond to a proposal to assign FM Channel 261A to Rutland, Vermont.

DATES: Comments are due on or before September 27, 1984, and reply comments are due on or before October 12, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments and Reply Comments

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Rutland, Vermont, and Plattsburgh, New York); MM Docket No. 84-718, RM-4622.

Adopted: September 12, 1984.

Released: September 14, 1984.

By the Chief, Policy and Rules Division.

1. On July 11, 1984, the Commission adopted the *Notice of Proposed Rule Making and Order to Show Cause*, 49 FR 31305, published August 6, 1984, proposing the assignment of FM Channel 261A to Rutland, Vermont, in response to a petition filed by Howard M. Ginsberg and John O. Kimel. The date for filing comments is September 13, 1984, and for reply comments is September 28, 1984.

2. On August 30, 1984, Plattsburgh Broadcasting Corporation ("WGFB"), licensee of Station WGFB-FM, Plattsburgh, New York, requested an extension of time to respond to the *Notice*. Station WGFB was ordered to show cause why its license should not be modified. WGFB states additional time is needed in order to respond since it is now reviewing options for improving its facilities by the March 1, 1987, cut-off date so as to avoid reclassification.

3. Generally, it has been the Commission's policy that extensions of time are not routinely granted. See § 1.46(a) of the Commission's Rules. However, here we believe that WGFB has shown sufficient cause to grant a two-week extension to September 27, 1984. All Class C stations have been given three years in which to make plans to comply with the Commission's decision in Docket 80-90 (49 FR 10260, published March 20, 1984) to meet minimum standards for Class C facilities. However, as a result of the Rutland proposal, Station WGFB is forced to evaluate its future plans immediately to determine whether the proposed modification of its license will permit a future increase in facilities. Under the circumstances, we believe an extension of time is warranted.

4. Accordingly, it is ordered, That the request of Plattsburgh Broadcasting Corporation is granted.

5. The date for filing comments is extended to and including September 27, 1984. The reply comments date is extended to and including October 12, 1984.

6. This action is taken pursuant to sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.283 of the Commission's Rules.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-25263 Filed 9-21-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, and 175

[Docket No. HM-166-S, Notice No. 84-10]

Magnetized Material

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The MTB proposes to amend the regulations governing the transportation of magnetized material aboard aircraft. These proposals are in response to a petition for rulemaking which was filed with the MTB. The changes are necessary to remove from regulation those materials which have magnetic properties, but present no significant risk to the safe operation of aircraft, and to maintain transportation safety by continuing to forbid those magnetized materials which present a hazard due to their potential effect on aircraft instruments used for navigation.

DATE: Comments must be received on or before November 7, 1984.

ADDRESS: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should be submitted, if possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped post card. The Dockets Branch is located in Room 8426, Nassif Building, 400 7th Street, SW., Washington, D.C. 20590. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Irving R. Abis, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation,

Materials Transportation Bureau, 400 7th Street, SW., Washington, D.C. 20590 (202) 426-2075.

SUPPLEMENTARY INFORMATION: Under the provisions of 49 CFR 173.1020, a material is considered to be "magnetized" and subject to the requirements of the Hazardous Materials Regulations (when transported by aircraft) when it has a magnetic field strength of 0.002 gauss or greater at a distance of 7 feet from any point on the surface of the package, or which is of such mass that it could affect aircraft instrumentation, particularly magnetic compasses. Furthermore, a material with a measurable magnetic field greater than 0.00525 gauss, when measured from any package surface at a distance of 15 feet, must be shielded to reduce the reading to a level that is no greater than 0.00525 gauss before being offered for transportation by aircraft.

This notice is in response to a petition for rulemaking filed with the MTB by the Motor Vehicle Manufacturers Association (MVMA), under the provisions of 49 CFR 106.31. The MVMA petitioned the MTB to deregulate certain materials, such as auto fenders and other automobile parts, which may meet the lower criteria in § 173.1020 for magnetized material, but pose little or no transportation hazard because they do not affect aircraft instrumentation.

The MTB believes that the current rules on magnetic materials are obsolete due to improvements in the technology of aircraft instrumentation over the past 30 years. Modern aircraft use electronic compasses with magnetic compasses as backups. The sensors for the magnetic backup compasses of modern aircraft are located sufficiently far away from cargo bays so that the possible marginal magnetic properties of metal objects such as automobile parts will not cause a measurable deflection effect on the compass. It is normal procedure for pilots to check the aircraft's magnetic compass and electronic compass against the runway heading before takeoff.

In order to perform an accurate test for magnetism at the lower gauss limit currently specified in § 173.1020 (0.002 gauss), a test would have to be conducted away from any possible magnetic sources, using a gauss meter which costs about \$1,500.00. To conduct this test, large metal objects which are to be offered for transportation, and which are not intentionally magnetic, but have acquired magnetic properties during their manufacture or because of their orientation, would have to be tested in a controlled environment. If the test shows that the metal objects are

above the 0.002 gauss level at a distance of 7 feet, under current rules they must be labeled with the MAGNETIZED MATERIAL label, marked "ORM-C", and shipped as a hazardous material. The metal objects must be reloaded and brought to the airport for transportation by aircraft. When the metal objects are moved, the magnetic field created by the mass of those objects may change due to the new placement of the objects. When they are loaded aboard the aircraft, the magnetic field may again change, due to placement of the object aboard an aircraft. Consequently these tests at low gauss levels are not repeatable and the necessity for and benefit of regulating metallic loadings at low levels at low levels of magnetism is questionable.

The MTB believes that testing metal objects for magnetism is not necessary, other than those deliberately fabricated with magnetic properties. Marginal magnetic properties of other loadings are of such low levels that the probability of deflecting aircraft instruments is negligible. This notice proposes to eliminate the 0.002 gauss threshold and to continue to forbid the transportation of magnetized material over the 0.00525 gauss level at a distance of 15 feet from the package surface for carriage aboard aircraft. The MTB believes that the rules proposed in this notice, if adopted, would not reduce the level of air safety and would relieve shippers and carriers of burdens imposed by undue regulation.

The MTB will propose that the standards for magnetized material in the International Civil Aviation Organization (ICAO) Technical Instructions be changed to reflect these proposed amendments if a final rule is issued as proposed. Should these amendments be adopted as a final rule, the Federal Aviation Administration (FAA) is considering the publication of an Advisory Circular for aircraft built before 1955 to assure that the proper procedure for stowage of magnetized material is followed to avoid affecting instruments on aircraft which might not have compasses with remote sensors.

The MTB certifies that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities. Also, in view of the type of changes being proposed, the MTB has further determined that this rulemaking (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) will not affect not-for-profit enterprises, or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National

Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is considered unnecessary because the anticipated impact would be minimal.

List of Subject

49 CFR Part 171

Hazardous materials transportation, Definitions.

49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging and containers.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

§ 172.101 Hazardous Materials Table.

EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo aircraft only	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
(1)	(2) * * * (Remove) * * * Magnetized material * * * (ADD) * * * Magnetized material. See 173.21(f).	(3) ORM-C	3(a) UN2807	(4) Magnetized material	5(a) None	5(b) 173.1020	6(a) No limit	6(b) No limit	7(a)	7(b)	7(c)

§ 172.402 [Amended]

3. In § 172.402, paragraph (d) would be removed and reserved.

§ 172.446 [Removed]

4. Section 172.446 would be removed and reserved.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

5. In § 173.21, a new paragraph (f) would be added to read as follows:

§ 173.21 Forbidden materials and packages.

49 CFR Part 175

Hazardous materials transportation, Air carriers.

In consideration of the foregoing, it is proposed to amend the Hazardous Materials Regulations as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.8, the entry for "Magnetic material" would be revised as follows:

* * *

"Magnetic materials" See § 173.21(f).

* * *

(f) For carriage by aircraft, any material which when packaged has a measurable magnetic field of more than 0.00525 gauss when measured from any surface of the package at a distance of 15 feet.

§ 173.1020 [Removed]

6. Section 173.1020 would be removed and reserved.

PART 175—CARRIAGE BY AIRCRAFT

§ 175.30 [Amended]

7. In § 175.30, paragraph (d)(3) would be removed and reserved.

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

2. In § 172.101, the Hazardous Materials Table would be amended by removing the entry for magnetized materials and adding a new entry as follows:

§ 175.85 [Amended]

8. In § 175.85, paragraph (g) would be amended by removing the last sentence. (49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(3) of Appendix A to Part 106.)

Issued in Washington, D.C., September 19, 1984.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-25241 Filed 9-21-84; 8:45 am]

BILLING CODE 4910-60-M

Notices

Federal Register

Vol. 49, No. 186

Monday, September 24, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency

decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

National Plant Genetic Resources Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the USDA, Science and Education, announces the following meeting:

Name: National Plant Genetic Resources Board

Date: October 18-19, 1984

Time: 8:30 a.m.-4:30 p.m., Oct. 18; 8:30 a.m.-4:30 p.m., Oct. 19.

Place: Rm. 3109, South Building,

Department of Agriculture, Washington, D.C.

Type of meeting: Open to the public.

Persons may participate in the meeting as time and space permits.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: To review matters that petition to plant germplasm in the United States and possible impacts on related national and international programs; and discuss other initiatives of the Board.

Contact person: C.F. Murphy, Executive Secretary, National Plant Genetic Resources Board, U.S. Department of Agriculture, Room 239, Building 005, BARC-West, Beltsville, Maryland 20705. Telephone: (301) 344-1560.

Done at Beltsville, Maryland, this 10th day of September 1984.

Charles F. Murphy,

Executive Secretary, National Plant Genetic Resources Board.

[FR Doc. 84-25273 Filed 9-21-84; 8:45 am]

BILLING CODE 3410-03-M

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Interagency Agreement Between the Bureau of Land Management and the Forest Service for Mineral Leasing

AGENCY: Forest Service, USDA; Bureau of Land Management, USDI.

ACTION: Notice of Interagency Agreement.

SUMMARY: The Bureau of Land Management and the Forest Service signed an interagency agreement for mineral leasing on June 19, 1984. This interagency agreement establishes the policy and procedures by which mineral use authorizations which grant rights to federally owned leasable minerals in the National Forest System and in adjoining private lands with Federal minerals are to be processed by the Bureau of Land Management and the Forest Service. The text of the signed agreement is set forth at the end of this notice.

EFFECTIVE DATE: June 19, 1984.

ADDRESS: R. Max Peterson, Chief, Forest Service, USDA, 12th and Independence Ave., SW., Washington, D.C. 20013 and Robert F. Burford, Director, Bureau of Land Management, USDI, 18th and C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Craig K. Losche, Forest Service, USDA, Minerals and Geology Management Staff, P.O. Box 2417, Rm 606 RP-E, Washington, D.C. 20013, (703) 235-9873 and Greg Shoop, Bureau of Land Management, USDI, Division of Fluid Mineral Leasing, 18th and C Street, NW., Washington, D.C. 20240, (202) 653-2187.

Dated: August 23, 1984.

James M. Parker,

Acting Director, Bureau of Land Management.

Dated: September 14, 1984.

John H. Ohman,

Acting Chief, Forest Service.

Interagency Agreement Between the Bureau of Land Management and the Forest Service for Mineral Leasing

The Bureau of Land Management (BLM), Department of the Interior, and the Forest Service (FS), Department of Agriculture, hereby agree that the policy and procedures set forth in this Interagency Agreement (IA) shall be followed with respect to the processing of authorizations, such as licenses, permits, and leases, that grant rights to

federally owned minerals in the National Forest System (NFS) and in adjoining lands with Federal minerals (split estate lands). Such authorizations are collectively referred to in this IA as leases. This agreement does not include permits issued by the FS to do preliminary mineral-related investigations or surveys.

I. Authorities

The BLM manages the Federal leasable mineral estate under authority of the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359), the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), Section 402 of Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix), the Federal Coal Leasing Amendments Act of 1976 (90 Stat. 1083), and other Acts.

The FS manages the NFS for multiple use and sustained yield of products and services and is authorized to make rules and regulations to govern surface use and occupancy under the authority of the Organic Administration Act of 1897 (16 U.S.C. 473-475, 477-482, 551), the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 (note), 528-531), and the National Forest Management Act of 1976 (90 Stat. 2949). Under certain statutes the FS has consent authority for leasing of the NFS. Also, in accordance with 43 CFR 3101.7 and through long standing agreement between the Departments, the FS provides recommendations where consent authority does not exist.

II. Purpose

This IA establishes the policy and procedures by which leasing proposals which involve the NFS and adjoining private lands with Federal minerals are to be processed by the BLM and the FS. This policy and these procedures are adopted to ensure cooperative, timely, and efficient action by the BLM and the FS with respect to such leasing, consistent with the statutory and regulatory responsibilities of each agency.

III. Responsibilities

A. NEPA Compliance and Coordination

Issuance of leases by the BLM is a Federal action which requires an

environmental analysis to be made in conformance with the National Environmental Policy Act of 1969 (NEPA), its implementing regulations (40 CFR Parts 1500-1508), and agency direction. In order to comply with these requirements in an efficient and effective manner, both agencies will participate jointly in scoping each proposed action. A single environmental analysis and, if appropriate, a single document is to be completed such that it will be an adequate environmental basis for all recommendations and/or decisions to be made by either the FS or the BLM.

For leasing proposals which primarily involve the NFS or adjoining private lands with Federal minerals and which primarily involve NFS issues, the FS will have the lead for environmental analysis and, when necessary, documentation in an environmental assessment or environmental impact statement. For leasing proposals which involve primarily non-NFS lands or issues, the participation of each agency in environmental analysis and documentation will be determined during scoping. In all cases, FS expertise will be recognized for that portion of any analysis or document concerning protection and utilization of the NFS.

B. Stipulation Development and Use

The BLM and the FS will coordinate the development of stipulations in conjunction with NEPA compliance at the local level to ensure appropriate wording and to ensure that adequate justification for their use exists in the record. The BLM and the FS will coordinate agency-wide stipulation use policy at the Washington level.

C. Agency Decisions

Leasing decisions are to be coordinated by the BLM and the FS so that requirements identified through the environmental analysis and, if appropriate, the environmental documents are considered in FS recommendations (including those pertaining to adjoining private lands with Federal minerals) and/or consent decisions and in subsequent BLM leasing decisions. Coordination with respect to FS recommendations and/or decisions is to be such that FS is aware of final action to be taken by BLM.

1. *Recommendation.* When the FS role in the leasing decision is limited to providing the BLM with advisory, nonbinding recommendations, the FS will forward its recommendations to BLM as to the leasing of the NFS and adjoining private lands with Federal minerals.

2. *Consent.* When the decision requires consent of the FS for the leasing of the NFS, the FS shall notify affected parties of its decision. After expiration of the FS appeal period, the FS shall forward its decision to BLM. When the FS provides recommendations for adjoining private lands with Federal minerals or recommendations involving non-NFS lands or authorities within its decision, they are to be so identified.

D. Appeal Coordination

To the extent that potential leasing of the NFS and of adjoining private lands with Federal minerals involves only FS recommendations, FS actions are not subject to appeal to the FS. However, to the extent that such leasing of the NFS requires FS consent, FS decisions are subject to appeal to the FS under CFR 211.18. If a decision is appealed, the FS will promptly notify the BLM.

All BLM decisions, subsequent to either FS recommendations or consent decisions, are then subject to protest to BLM and/or appeal under 43 CFR Part 4. The BLM will promptly notify the FS if a BLM decision affecting a lease proposal of the NFS is protested or appealed.

E. General Program Coordination

1. The BLM will review proposals for leases prior to forwarding them to the FS to ensure compliance with applicable regulations. The BLM will forward acceptable proposals to the FS within 15 days of receipt with a request for a FS recommendation and/or consent decision and, if acquired minerals are proposed for leasing, a request for a title report.

2. Within 30 days of FS receipt of a leasing proposal, the BLM and the FS will, if necessary, scope the proposal.

3. The FS will forward its recommendation and/or consent decision within 60 days of the initial receipt by the FS of the leasing proposal, or will provide the BLM with a date to expect a response giving the reason for such delay.

4. The BLM State Director and the FS Regional Forester will attempt to resolve differences concerning FS leasing recommendations or differences involving specific leasing procedures. Differences which cannot be resolved will be forwarded promptly to the BLM Director and the FS Chief for resolution.

5. The BLM will close a case by either issuing a lease or rejecting an offer within 60 days of receipt of FS recommendations or consent decisions.

6. The BLM will provide the FS information relative to changes in the status of offers, licenses, permits, and leases within 10 days of the change.

7. The BLM and the FS will incorporate the policies and procedures set forth in this agreement into their respective manual systems. The BLM and the FS will coordinate and share at the local and national level manual releases, policy memoranda, and directives affecting the respective leasable mineral programs.

8. The BLM and the FS will coordinate the preparation of budget proposals for leasable minerals at the national level to ensure that data and information are consistent and that major projects, such as coal leasing plans, are appropriately considered in the budgets of both agencies. The BLM and the FS will coordinate work plans at the State Director/Regional Forester level and, with respect to NEPA compliance for leasing of split estate lands, will notify respective Washington Offices when substantial costs will be incurred.

IV. Supplemental Agreements

The BLM State Directors and the FS Regional Foresters are encouraged to enter into supplemental agreements consistent with this IA in order to implement local procedures which will contribute to the cooperative, timely, and orderly processing of mineral leasing proposals. A copy of supplemental agreements will be forwarded to the BLM Director and the FS Chief for information.

V. Effect on Prior Agreements

This IA supersedes the following interagency agreements, in whole or in part as indicated, as they relate to the processing of mineral leasing proposals and, to the extent inconsistent, any other agreements between the BLM and the FS.

1. Section III, IV, and V of the Cooperative Agreement Between Forest Service (USDA) and the Geological Survey (USDI) for Operations Within Solid Mineral Permits and Leases on National Forest System Lands, dated November 1980, are superseded.

2. The Interim Memorandum of Understanding between the Bureau of Land Management and the Forest Service, dated December 1980, is superseded in its entirety.

3. Sections I.A., I.B., III.A., and III.B., of the Memorandum of Understanding for the Geothermal Program between the U.S. Geological Survey—Bureau of Land Management—USDA, Forest Service, dated December 1981, are superseded.

VI. Agreement Review

Within 1 month prior to the anniversary date of this IA, the FS Regional foresters and the BLM State

Directors shall apprise their respective Washington Offices of suggested modifications, if any, to this agreement which would contribute to the cooperatively, timely, and orderly processing of mineral leasing proposals. These suggestions will be reviewed by the BLM Director and the FS Chief to determine if the IA should be amended.

Dated: June 19, 1984.

F. Dale Robertson,
For Chief, Forest Service.

Dated: June 19, 1984.

James M. Parker,
For Director, Bureau of Land Management.

[FR Doc. 84-25177 Filed 9-21-84; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Sea Grant Review Panel; Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Open Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Sea Grant Review Panel. The purpose of the meeting is to discuss the program's current posture and the development of national research priorities.

The meeting will be open to the public. The announced meeting is scheduled for one day, November 14, 1984, 1:30-5:30 p.m.

ADDRESS: The meeting will be held at: Georgetown Silver Plume Room, Brown Palace Hotel, 321 17 Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur G. Alexiou, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852, (301) 443-8894.

Dated: September 18, 1984.

Alan R. Thomas,
Acting Assistant Administrator for Oceanic and Atmospheric Research.

Sea Grant Review Panel Meeting

November 14, 1984.

Brown Palace Hotel, Denver, Colorado

Tentative Agenda

November 14

1:30 p.m.-2:00 p.m.

A. Discussions with National Sea Grant College Program (NSGCP) Office Staff on

current posture and nature of problems facing the program.

2:00 p.m.-4:00 p.m.

B. Discussions and critique of current NOAA listing of national needs with respect to ocean and coastal resources.

4:00 p.m.-5:30 p.m.

C. Discussions concerning priority statements on research of national interest developed by Sea Grant Directors.

[FR Doc. 84-25193 Filed 9-21-84; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Discretionary Grant Programs Under the Indian Education Act of 1972, as Amended; Application Notice Establishing Closing Dates for Transmittal of Certain Fiscal Year 1985 Applications

AGENCY: Department of Education.

ACTION: Application notice establishing closing dates for transmittal of certain Fiscal Year 1985 applications for new awards.

SUMMARY: The purpose of this application notice is to inform potential applicants of fiscal and programmatic information and closing dates for transmittal of applications for new projects under certain programs administered by the Department of Education under the Indian Education Act, Title IV of Pub. L. 92-318, as amended.

Organization of Notice: This notice contains two parts. Part I includes the list of all application closing dates for new awards covered by this notice. Part II consists of individual application announcements for each program.

Instructions for Transmittal of Applications: Applicants should note specifically the instructions for the transmittal of applications included below:

Transmittal of Applications: Applications for new projects must be mailed or hand delivered on or before the closing date given in the individual application announcements included in this document.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: (insert appropriate CFDA number), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Street SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Part I—Programs

CFDA No.	Program	Closing date
84.062A.....	Educational services for Indian adults.	Dec. 3, 1984.
84.062C.....	Planning projects for Indian adults.	Do.
84.062D.....	Pilot projects for Indian adults.	Do.
84.062E.....	Demonstration projects for Indian adults.	Do.

Part II—Individual Announcements for Programs Listed in Part I

84.062A—Indian Education Act—Part C—Educational Services for Indian Adults

Closing Date: December 3, 1984.

Applications are invited for new projects under the Educational Services for Indian Adults program.

Authority for this program is contained in Section 316(b) of Part C of the Act, as amended.

(20 U.S.C. 1211a(b))

This program issues awards to Indian tribes, Indian organizations, and Indian institutions for educational service projects.

The purpose of these projects is to improve educational opportunities for Indian adults.

Program Information: In Fiscal Year (FY) 1984, approximately 32 projects were awarded grants under this program totaling \$3,138,000. The average grant amount was \$98,063. Included in this total was an FY 1983 supplemental appropriation of \$1,938,000 obligated in FY 1984 to an additional 23 projects.

Intergovernmental Review: On June 24, 1983, the Secretary published in the Federal Register final regulations (34 CFR Part 79, published at 48 FR 29158 *et seq.*) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The following is the current list of States that have established a process, designated a single point of contact, and have selected this program for review.

State

Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Hawaii, Indiana, Kansas, Louisiana, Maine, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Northern Mariana Islands, Ohio,

Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, South Dakota, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, Guam, Virgin Islands

Immediately upon receipt of this notice, applicants that are governmental entities must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, area-wide, regional, and local entities must be mailed or hand delivered by February 4, 1985, to the following address:

The Secretary, U.S. Department of Education, Room 4181, 84.062A, 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

Please note that the above address is not the same address as the one to which the applicant must submit its completed application. *Do not send applications to the above address.*

Available Funds: The President's budget request for Fiscal Year (FY) 1985 was for \$1,200,000 for this program. The Congress has not passed the FY 1985 appropriation act covering this program. The FY 1985 budget request estimated that approximately 9 projects would be supported and the average grant would be \$133,333.

These estimates, however, do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Projects supported under this program will be for a period of one year.

Application Forms: Application packages are expected to be ready for mailing on October 19, 1984. A copy of the application package may be obtained by writing to Indian Education Programs, U.S. Department of Education (Room 2177, FOB 6), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid

applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the office of Management and Budget under control number 1810-0021.)

Applicable Regulations: The regulations that apply to this program include the following:

(a) Regulations governing Indian Education Programs (34 CFR Parts 250 and 257, published in the Federal Register on June 7, 1984 at 49 FR 23761.

(b) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

Further Information: For further information contact Elsie Janifer, Indian Education Programs, U.S. Department of Education, Office of Elementary and Secondary Education (Room 2177, FOB-6), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 732-1918.

(20 U.S.C. 1211a(b))

84.062C—Indian Education Act—Part C—Planning Projects for Indian Adults

Closing Date: December 3, 1984.

Applications are invited for new planning projects under the Indian Adults program.

Authority for this program is contained in section 316(a)(1), (2) of Part C of the Act, as amended.

(20 U.S.C. 1211a(a)(1), (2))

This program provides financial assistance for projects designed to plan effective programs for improving employment and educational opportunities for Indian adults.

Grants may be made to State educational agencies, local educational agencies, Indian tribes, Indian organizations, and Indian institutions.

Program Information: In Fiscal Year 1984, approximately 4 Planning projects were awarded grants totalling \$595,897. The average grant amount was \$148,974.

Intergovernmental Review: On June 24, 1983, the Secretary published in the Federal Register final regulations (34 CFR Part 79, published at 48 FR 29158 *et seq.*) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The

regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local Officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The following is the current list of States that have established a process, designated a single point of contact, and have selected this program for review.

State

Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Hawaii, Indiana, Kansas, Louisiana, Maine, Michigan, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Northern Mariana Islands, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, South Dakota, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, Guam.

Immediately upon receipt of this notice, applicants that are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this

notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States not listed above, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by February 4, 1985 to the following address:

The Secretary, U.S. Department of Education, Room 4181, 84.062C, 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

Please note that the above address is not the same address as the one to which the applicant must submit its completed application. *Do not send applications to the above address.*

Available funds: The President's budget request for Fiscal Year (FY) 1985 was for \$600,000 for this program. The Congress has not passed the FY 1985 appropriation act covering this program. The FY 1985 budget request estimated that approximately 4 projects would be supported and the average grant would be \$150,000.

These estimates, however, do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Projects supported under this program will be for a period of one year.

Application Forms: Application packages are expected to be ready for mailing on October 19, 1984. A copy of the application package may be obtained by writing to Indian Education Programs, U.S. Department of Education (Room 2177, FOB 6), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information

package is intended to impose any paperwork, application content, reporting, or guarantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1810-0021).

Applicable Regulations: The regulations that apply to this program include the following:

(a) Regulations governing Indian Education Programs (34 CFR Parts 250 and 258), published in the *Federal Register* on June 7, 1984 at 49 FR 23761.

(b) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

Further Information: For further information contact Elsie Janifer, Indian Education Programs, U.S. Department of Education, Office of Elementary and Secondary Education (Room 2177, FOB-6), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 732-1918.

(20 U.S.C. 1211a(1), (2))

84.062D—Indian Education Act—Part D—Pilot Projects for Indian Adults

Closing Date: December 3, 1984.

Applications are invited for new pilot projects under the Indian Adults program.

Authority for this program is contained in Section 316(a)(1), (2) of Part C of the Act, as amended.

(20 U.S.C. 1211a(a)(1), (2))

This program provides financial assistance for projects designed to test the effectiveness of programs for improving employment and educational opportunities for Indian adults.

Grants may be made to State educational agencies, local educational agencies, Indian tribes, Indian organizations, and Indian institutions.

Program Information: In Fiscal Year 1984, approximately 2 Pilot projects were awarded grants totalling \$231,441. The average grant amount was \$115,720.

Intergovernmental Review: On June 24, 1983, the Secretary published in the

Federal Register final regulations (34 CFR Part 79, published at 48 FR 29158 *et seq.*) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The following is the current list of States that have established a process, designated a single point of contact, and have selected this program for review. Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Hawaii, Indiana, Kansas, Louisiana, Maine, Michigan, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Northern Mariana Islands, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, South Dakota, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, Guam.

Immediately upon receipt of this notice, applicants that are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is

included in the application package for this program.

In States not listed above, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by February 4, 1985, to the following address:

The Secretary, U.S. Department of Education, Room 4181, 84.062D, 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

Please note that the above address is not the same address as the one to which the applicant must submit its completed application. *Do not send applications to the above address.*

Available Funds: The President's budget request for Fiscal Year (FY) 1985 was for \$350,000 for this program. The Congress has not passed the FY 1985 appropriation act covering this program. The FY 1985 budget request estimated that approximately 3 projects would be supported and the average grant would be \$116,667.

These estimates, however, do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Projects supported under this program will be for a period of one year.

Application Forms: Application packages are expected to be ready for mailing on October 19, 1984. A copy of the application package may be obtained by writing to Indian Education Programs, U.S. Department of Education, (Room 2177, FOB 6), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1810-0021).

Applicable Regulations: The regulations that apply to this program include the following:

(a) Regulations governing Indian Education Programs (34 CFR Parts 250 and 258), published in the Federal Register on June 7, 1984 at 49 FR 23761.

(b) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

Further Information: For further information contact Elsie Janifer, Indian Education Programs, U.S. Department of Education, Office of Elementary and Secondary Education (Room 2177, FOB-6), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 732-1918.

(20 U.S.C. 1211a (1), (2))

84.062E—Indian Education Act—Part C—Demonstration Projects for Indian Adults

Closing Date: December 3, 1984.

Applications are invited for new Demonstration projects under the Indian Adults program.

Authority for this program is contained in section 316(a) (1), (2) of Part C of the Act, as amended.

(20 U.S.C. 1211a(a) (1), (2))

This program provides financial assistance for projects designed to demonstrate the effectiveness of programs for improving employment and educational opportunities for Indian adults.

Grants may be made to State educational agencies, local educational agencies, Indian tribes, Indian organizations, and Indian institutions.

Program Information: In Fiscal Year 1984, approximately 6 Demonstration projects were awarded grants totalling \$857,214. The average grant amount was \$142,869.

Intergovernmental Review: On June 24, 1983, the Secretary published in the Federal Register final regulations (34 CFR Part 79, published at 48 FR 29158 *et seq.*) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination

and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The following is the current list of States that have established a process, designated a single point of contact, and have selected this program for review.

State

Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Hawaii, Indiana, Kansas, Louisiana, Maine, Michigan, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Northern Mariana Islands, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, South Dakota, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, Guam.

Immediately upon receipt of this notice, applicants that are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States not listed above, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by February 4, 1985, to the following address:

The Secretary, U.S. Department of Education, Room 4181, 84.062E, 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

Please note that the above address is not the same address as the one to which the applicant must submit its completed application. *Do not send applications to the above address.*

Available Funds: The President's budget request for Fiscal Year (FY) 1985 was for \$850,000 for this program. The Congress has not passed the FY 1985 appropriation act covering this program. The FY 1985 budget request estimated that approximately 5 projects would be supported and the average grant would be \$170,000.

These estimates, however, do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Projects supported under this program will be for a period of one year.

Application Forms: Application packages are expected to be ready for mailing on October 19, 1984. A copy of the application package may be obtained by writing to Indian Education Programs, U.S. Department of Education (Room 2177, FOB 6), 400 Maryland Avenue, SW, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested. (Approved by the Office of Management and Budget under control number 1810-0021).

Applicable Regulations: The regulations that apply to this program include the following:

- (a) Regulations governing Indian Education Programs (34 CFR Parts 250 and 258), published in the *Federal Register* on June 7, 1984 at 49 FR 23761.
- (b) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

Further Information: For further information contact Elsie Janifer, Indian Education Programs, U.S. Department of Education, Office of Elementary and Secondary Education (Room 2177, FOB-6), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 732-1918.

(20 U.S.C. 1211a(1), (2))

(Catalog of Federal Domestic Assistance No. 84.062; Indian Education—Adult Indian Education (Indian Education—Part C))

Dated: September 19, 1984.

Lawrence F. Davenport,
Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 84-25272 Filed 9-21-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER84-663-000]

Carolina Cogeneration Company, Inc.; Filing

September 20, 1984.

The filing company submits the filing: Take notice that on September 5, 1984, Carolina Cogeneration Company, Inc. (CCC) tendered for filing a long term rate schedule applicable to sales of electric energy and capacity by CCC to Carolina Power & Light Company (CP&L). CCC states that the energy and capacity are to be provided by a qualifying small power production facility to be built by CCC in Craven County, North Carolina near the city of New Bern.

The proposed rate schedule, CSP-6C, is set forth in the Electric Power Purchase Contract, dated December 21, 1983 between CP&L and CCC. The above mentioned contract and rate schedule arrangement are "standard offers" developed by CP&L and accepted by the North Carolina Utilities Commission to satisfy their requirements under PURPA. Schedule CSP-6C sets both variable and long term rates for energy, and variable and long term rates for capacity. The Electric Power Purchase Contract on file with the Commission has been specifically examined and accepted by the North Carolina Utilities Commission in Docket No. SP-11 "Order Approving Contract".

CCC requests waiver of the Commission's notice requirements, and the Commission's regulations regarding cost-of-service documentation.

Any person desiring to be heard or to protest said filing should file a motion to

intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-25280 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-25281 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-667-000]

Central Hudson Gas & Electric Corp.; Cancellation

September 20, 1984.

The filing Company submits the following:

Take notice that on September 7, 1984, Central Hudson Gas & Electric Corporation (Central Hudson) tendered for filing Notice of Cancellation of Central Hudson's Rate Schedule FERC No. 38 which was filed with the Commission on September 6, 1984. Central Hudson states that the Contract was cancelled on October 25, 1970 in accordance with its terms.

According to Central Hudson a copy of this filing has been sent to Long Island Lighting Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-25283 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-666-000]

Central Illinois Public Service Co.; Filing

September 20, 1984.

The filing Company submits the following:

Take notice that on September 7, 1984, Central Illinois Public Service Company (CIPS) tendered for filing a revised Appendix B to the service agreement between CIPS and Mt. Carmel Public Utility Company (Mt. Carmel). Pursuant to the service agreement, the revised Appendix B lists actual costs and a

revised monthly charge for newly installed metering facilities, which revision lowers the monthly metering charge.

CIPS requests an effective date as of March 1, 1984, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing has been sent to Mt. Carmel.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-25282 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-662-000]

Central Louisiana Electric Co., Inc.; Filing

September 20, 1984.

The filing Company submits the following:

Take notice that on September 5, 1984, Central Louisiana Electric Company, Inc. (CLECO) tendered for filing a copy of an executed letter agreement and a copy of an executed Appendix B that amends the existing interconnection agreement between CLECO and Cajun Electric Power Cooperative, Inc. (CEPCO). CLECO states that the filing will permit the continuation of service in accordance with the desire of the parties, and will provide a basis for billing for the 1984 calendar year.

CLECO requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211,

[Docket No. ER84-660-000]

Centel Corp.; Filing

September 20, 1984.

The filing Company submits the following:

Take notice that on September 4, 1984, Centel Corporation, Southern Colorado Power Division, tendered for filing Electric Rate Adjustment No. 3 applicable to sales of power and energy to the City of Las Animas. Adjustment No. 3 reflects increased rates charged by Southern Colorado Power's supplier and results in an increase in revenues from sales to Las Animas of \$57,698.32.

Centel requests an effective date of August 25, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the City of Las Animas and the Colorado Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

385.214). All such motions or protests should be filed on or before October 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary

[FR Doc. 84-25284 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7361-002]

Charles W. Cole, Jr.; Surrender of Preliminary Permit

September 20, 1984.

Take notice that Charles W. Cole, Jr., Permittee for the proposed Cagle Mill Hydro Project No. 7361, has requested that its preliminary permit be terminated. The permit was issued on June 26, 1984, and would have expired on November 30, 1985. The project would have been located on Mill Creek near Poland, Putnam County, Indiana.

The Permittee cites that the proposed project is not economically feasible as the reason for its surrender request.

The Permittee filed its request on August 24, 1984, and the surrender of the preliminary permit for Project No. 7361 is deemed accepted 30 days from the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25285 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-461-005]

Columbia Gas Transmission Corp.; Compliance Tariff Filing

September 18, 1984.

Notice is hereby given that on September 5, 1984, Columbia Gas Transmission Corporation filed the following tariff sheets to be included in its FERC Gas Tariff, Original Volume No. 1:

Eleventh Revised Sheet No. 1
First Revised Sheet No. 21A
First Revised Sheet No. 21D
First Revised Sheet No. 21E
First Revised Sheet No. 21F

The subject tariff sheets bear an issue date of September 5, 1984, and proposed effective date of July 27, 1984.

Columbia states that the proposed tariff sheets are being filed in compliance with Ordering Paragraph C of the Commission's August 20, 1984,

Order on Requests for Clarification and Rehearing in the captioned proceeding relating to the rates to be charged for the Incentive Sales (IS) service which was approved by the Commission's order of July 23, 1984 in this proceeding.

Columbia also submitted revised tariff sheets reflecting pro-rated base quantities applicable to those customers whose November 1984 billing month commences on October 20, or 25, 1984.

Columbia states that the instant tariff filing is being served upon all parties to Docket No. CP84-461-000, as well as upon interested state Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 26, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25302 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-655-000]

Connecticut Light and Power Co.; Filing

September 19, 1984.

The filing Company submits the following:

Take notice that on August 31, 1984, Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule pertaining to a Purchase Agreement with Respect to Various Gas Turbine Units between the Hartford Electric Light Company (HELCO), CL&P, Western Massachusetts Electric Company (WMECO), and Bangor Hydro-Electric Company (Bangor) dated as of December 15, 1977.

CL&P states that the Purchase Agreement provides for a sale to Bangor of a specified percentage of capacity and energy from various CL&P and WMECO gas turbine units (the Units) during the period November 1, 1984 through October 31, 1987.

CL&P states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis at

the time that the Purchase Agreement was executed. The monthly transmission charge rate is equal to one-twelfth of the annual average cost of transmission service on the transmission systems of CL&P and its affiliated Northeast Utilities companies at the time that the Purchase Agreement was executed and is determined in accordance with section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthly Transmission Charge is determined by the product of (i) the appropriate monthly transmission charge rate (\$/KW-month) and (ii) the number of kilowatts of winter capability which Bangor is entitled to receive during such month. The Energy Charge, Variable, and Additional Maintenance Charges are based on Bangor's portion of the applicable fuel expenses and hours of operation related to the Units. No special cost-of-service studies were made to derive at these charges.

CL&P states that the services to be provided under the Purchase Agreement are the same as service provided by CL&P, WMECO, and HELCO relating to agreements between CL&P, WMECO, HELCO, and Newport Electric Corporation (FERC Rate Schedule Nos.: CL&P 220, WMECO 181, HELCO 231), and Lyndonville Electric Department (FERC Rate Schedule Nos.: CL&P 172, WMECO 145, HELCO 169).

CL&P requests an effective date of November 1, 1984.

Copies of this filing were served upon WMECO and Bangor.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25301 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ST81-61-002, et al.]

Cranberry Pipeline Corp., et al.; Extension Reports

September 18, 1984.

The companies listed below have filed extension reports pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or

transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. Three other symbols are used for transactions pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations. A "G(HS)" indicates transportation, sale or assignments by a Hinshaw pipeline; A "G(LT)" indicates transportation by a local distribution company, and a "G(LS)" indicates sales or assignments by a local distribution company.

Any person desiring to be heard or to make any protests with reference to said extension report should on or before October 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST81-61-002	Cranberry Pipeline Corp., 1400 Charleston National Plaza, Charleston, WV 25337.	Hope Natural Gas Corp.	8-23-84	C	11-24-84
ST81-74-002	El Paso Natural Gas Co., P.O. Box 1492, El Paso, TX 79978.	Mississippi River Transmission Corp.	8-17-84	G	11-15-84
ST81-115-002	do	Northern Natural Gas Co.	8-17-84	G	11-16-84
ST81-304-002	Natural Gas Pipeline Co. of America, P.O. Box 1208, Lombard, IL 60148.	United Gas Pipe Line Co.	8-30-84	G	12-01-84
ST81-412-002	Pantera Energy Corp., 1616 Glenarm St., Suite 1830, Denver, CO 80202.	Colorado Interstate Gas Co.	8-21-84	D	8-15-84
ST83-92-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001.	Texas Eastern Transmission Corp.	8-16-84	G	11-16-84
ST83-94-001	PGC Pipeline, 950 One Energy Square, Dallas, TX 75206.	do	8-27-84	C	12-03-84
ST83-105-001	Delta Natural Gas Co., Inc., Route 1, Box 30-A, Winchester, KY 40391.	Columbia Gas Transmission Corp.	8-21-84	G(HT)	11-23-84
ST83-111-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001.	Texas Eastern Transmission Corp.	8-24-84	G	11-24-84
ST83-121-001	Texas Eastern Transmission Corp., P.O. Box 2521, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp.	8-22-84	G	11-22-84
ST83-134-001	Liberty Natural Gas Co., 5307 E. Mockingbird Lane, Dallas, TX 75206.	Transwestern Pipeline Co.	8-27-84	C	12-01-84
ST83-135-001	Texas Eastern Transmission Corp., P.O. Box 2521, Houston, TX 77001.	Tennessee Gas Pipeline Co.	8-24-84	G	11-24-84
ST83-137-001	Transcontinental Gas Pipe Line Corp., P.O. Box 1396, Houston, TX 77251.	Texas Eastern Transmission Corp.	8-21-84	G	11-19-84
ST83-153-001	Oasis Pipe Line Co., 1200 Travis, Box 1188, Houston, TX 77001.	Transwestern Pipeline Co.	8-24-84	C	12-01-84
ST83-179-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102.	Tennasco Gas Gathering Co.	8-27-84	B	12-10-84
ST83-206-001	United Gas Pipe Line Co., P.O. Box 1478, Houston, TX 77001.	Dow Intrastate Gas Co.	8-31-84	B	12-01-84
ST83-233-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102.	Intratex Gas Co.	8-27-84	B	1-14-84
ST83-255-001	Columbia Gulf Transmission Co., P.O. Box 683, Houston, TX 77001.	Louisiana Intrastate Gas Corp.	8-16-84	B	1-06-84
ST83-317-001	Acadian Gas Pipeline System, 1200 Milam, Suite 2700, Houston, TX 77002.	Texas Eastern Transmission Corp.	8-30-84	C	4-05-84

*These extension reports were filed after the date specified by the Commission's Regulation, and shall be the subject of a further Commission order.
NOTE.—The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.

[FR Doc. 84-25303 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-661-000]

Florida Power & Light Co.; Filing

September 20, 1984.

The filing Company submits the following:

Take notice that on September 4, 1984, Florida Power & Light Company (FP&L) tendered for filing a document entitled "Amendment Number Two to Contract for Interchange Service Between FP&L and Utilities Commission of the City of New Smyrna Beach, Florida (New Smyrna)."

FP&L states that under the Amendment FP&L and New Smyrna utilize the provisions of the existing Contract for Interchange Service between FP&L and New Smyrna for the

parties to establish additional service schedules. FP&L states that Service Schedule X provides the parties with the necessary vehicle to better maximize the overall economy of power production in the State of Florida.

FP&L respectfully requests that the proposed Amendment be made effective no later than 60 days from the date of filing.

According to FP&L, a copy of this filing was served upon New Smyrna.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion of intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25286 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6399-002]

**Green Mountain Power Corp.;
Surrender of Preliminary Permit**

September 20, 1984.

Take notice that Green Mountain Power Corporation, Permittee for the Montpelier No. 5 Project No. 6399, has requested that the preliminary permit be terminated. The preliminary permit for Project No. 6399 was issued on August 29, 1983, and would have expired on February 28, 1985. The project would have been located on Winooski River in Washington County, Vermont.

Green Mountain Power Corporation filed the request on September 6, 1984, and the surrender of the preliminary permit for Project No. 6399 is deemed accepted as of the filing date and effective as of 30 days after the issuance date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25288 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-554-000]

**Holyoke Water Power Co. and Holyoke
Power & Electric Co.; Revised Order
Accepting for Filing and Suspending
Rates, Noting Interventions, Granting
Waivers, Denying in Part Requests for
Summary Disposition, and Establishing
Hearing Procedures; Electric Rates**

Issued September 20, 1984.

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A.G. Sousa, Oliver G. Richard III and Charles G. Stalon.

On July 23, 1984, Holyoke Water Power Company (HWP) tendered for filing an amendment to its Resale Service Rate CD-1 for partial requirements service to the City of Chicopee, Massachusetts Municipal Lighting Plant (Chicopee).¹ HWP requests a September 22, 1984 effective date. The revision would increase revenues by about \$1.4 million (12.74%).

Holyoke Power & Electric Company (HP&E)² jointly tendered for filing a full requirements Rate F-1 to supersede the Electric Service Agreement under which it provides firm wholesale electric service to the Town of South Hadley, Massachusetts (South Hadley). These rate changes would increase revenues by approximately \$1.1 million (21.26%). HP&E has requested a January 20, 1985 effective date for its rate schedule change, to coincide with the date on

which the existing service agreement terminates. HP&E has requested waivers of several filing requirements to permit that effective date.³ HWP and HP&E (the companies) submitted their filings based on a consolidated cost of service study.⁴

HWP's proposed amendments to its partial requirements rate schedule with Chicopee include alternative stratified rate designs (CD-1 and Rider B). According to HWP, both rate designs are calculated to produce an identical return on fixed costs. Rate CD-1 is based on the rate design accepted by the Commission in the settlement of Docket No. E-8843. The settlement rate schedule provides that for the purpose of developing energy and demand costs, the pumped storage hydro and fossil steam units with full load efficiency of 12,000 Btu/Kwh or more will be considered peaking units. Under this test, HWP's Mount Tom and Northfield Mountain generating units are considered peaking units for rate purposes. The alternative rate design—Rider B—recognizes the conversion of the Mount Tom generating units from oil to coal-fired steam and the actual conjunctive operation of the Northfield Mountain pumped storage units and Millstone Nuclear Unit No. 2 as the base/intermediate generating system.

According to the companies, Rider B is a better economic representation of HWP's actual operations with Mount Tom and Northfield Mountain costs included in the base/intermediate rate costing structure. However, HWP has proposed the CD-1 design because it must do so under the terms of its settlement agreement. HWP has offered the alternative Rider B design as an option to Chicopee, if it so chooses, with the stipulation that once this option is exercised, Chicopee must remain on Rider B rates until a further amendment to Rider B becomes effective. The filing provided that Chicopee must exercise the option to switch to the Rider B rate within 30 days of the proposed effective date.

HP&E proposes to supersede its present rate schedule for South Hadley with an unexecuted service agreement under a full requirements tariff. In addition, to increased unit charges, the revised tariff introduces a 100% demand ratchet, an automatic tax adjustment

clause,⁵ and a revised fuel adjustment clause.

Notice of the companies' submittal was published in the *Federal Register* with comments due on or before August 16, 1984. Chicopee and South Hadley jointly filed a timely protest, motion to intervene, and motion for five month suspension and for summary judgment.⁶ The customers question, among other things, the authority of the companies to unilaterally change the conditions of a previous settlement agreement; the amount of fuel inventory allowable; the amount of cash working capital allowable in rate base; the use of 100% ratchet together with a 12-CP demand allocation method; the trigger date for customer selection of contract demand; the inclusion of unappropriated undistributed subsidiary earnings in the common equity portion of HWP's capital structure; and the proposed rate of return on equity. The customers also request summary disposition with respect to several matters which are discussed below. With respect to the limitation on Chicopee's right to elect rate design Rider B, the customer asks that HWP be ordered to allow Chicopee until the later of November 1, or the effective date of its rate change, to make the choice.⁷

On August 24, 1984, the companies' responded to the customers' pleading. While not opposing the requests to intervene, the companies challenge the request for summary action and a maximum suspension.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely motion to intervene serves to make Chicopee and South Hadley parties to this proceeding.

The customers have requested summary dispositions with respect to three issues. According to Chicopee and South Hadley, the Commission should summarily reject HWP's proposed 100% ratchet; order the companies to eliminate the proposed 45 days of cash

⁵ We note that any adjustments in the rate pursuant to the automatic tax adjustment clause contained in section 4(c) of the tariff will represent a change in rate requiring a timely filing under Part 35 of the Commission's regulations.

⁶ On August 17, 1984, South Hadley submitted supplemental comments indicating that if does not oppose HPE's request for waivers, but requesting that the Commission not allow the rates to take effect before the January 25, 1985 proposed effect date.

⁷ In its answer to the customers' intervention, HWP has agreed to this request. Thus, we need not address it. However, HWP shall advise the Commission if and when Chicopee exercises the option to be served under the Rider B rates.

¹ See Attachment for rate schedule designations.

² HP&E is a wholly owned subsidiary of HWP, which in turn is a wholly-owned subsidiary of Northeast Utilities (NU).

³ Specifically, HP&E requests waiver of the 120-day advance filing limitation in § 35.3(a) of the Commission's regulations and waiver of the requirement of § 35.13(d)(2) and (3)(ii)(A) to permit its Period II study to begin earlier than nine months prior to the proposed effective date.

⁴ HWP and HP&E state that they are totally integrated entities.

working capital from rate base; and summarily exclude Unappropriated Undistributed Subsidiary Earnings (Account 216.1) from HWP's common equity component.

According to the customers, "(u)nder Commission precedent, a company using a 12 month coincident peak allocation method cannot employ a ratchet in its rate design...." In *Central Illinois Light Company*, Opinion No. 81, 10 FERC ¶ 61,248 at 61,474-5 (1980), we made it clear that any utility proposing the imposition of a ratchet on a full requirements customer where the utility also uses a 12-CP demand allocation method has a heavy burden to meet, but it will be given a change to do so. The customers have not shown that HWP as a matter of law cannot make such a showing. Consequently, summary judgment on this issue is not appropriate at this time.

Similarly, with respect to the cash working capital allowance, questions of fact remain to be resolved at a hearing. According to the customers, the presumption against rate base inclusion of any working cash, which is being considered by this Commission in Rulemaking Docket No. RM84-9-000, should be applied in this case. That rule, however, is merely in the proposal stage and until it is finalized we will follow existing precedent.

The customers also request that we order deletion of Account 216.1 balances from HWP's capital structure. In this instance, we agree with the customers that it is not appropriate to include the unappropriated undistributed earnings of HP&E in HWP's capital structure. See *Minnesota Power and Light Company*, Opinion No. 155, 21 FERC 1451, 233 (1983); *United Gas Pipe Line Company*, Opinion No. 99, 13 FERC ¶ 61,044 (1980). Amounts recorded in Account 216.1 are not included in the capital structure for ratemaking purposes because they do not represent available cash proceeds. The capital structure should represent the sources of funds used to finance rate base. Since Account 216.1 does not represent cash received or generated by the company, it cannot be a source of financing for the rate base. While we shall grant summary disposition with respect to this issue, we shall not require immediate refiling of the proposed rates, given the relatively small revenue effect of this decision.

In addition to summary judgment, the customers have requested that we afford affirmative relief in two other respects. First, they ask that we strike sections 5 and 6 of HPE's proposed service agreement contending that such sections

provide for supersession of all previous contracts for the purchase of wholesale power between South Hadley and HPE and, therefore, eliminate prior settlement provisions affording the right to request services under a contract demand (CD) rate. In response to this concern, the companies expressly state that sections 5 and 6 do not supersede any existing settlement terms and have no effect on South Hadley's ability to request CD service. Given this representation, we find no reason to strike the provisions at issue.

The customers have also requested that we order the companies to refile their rate increases with a "more typical capital rate structure." The appropriate capital structure is clearly a matter for examination at hearing. We therefore decline to order such a revision at this time.

Our preliminary review of the companies' joint filing and the pleadings indicates that the submittal has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

In *West Texas Utilities Co.*, 18 FERC ¶ 61,189 (1982), we noted that rate filings would ordinarily be suspended for five months where preliminary review indicates that the proposed rates may be unjust and unreasonable and may generate substantially excessive revenues, as defined in *West Texas*. Our preliminary review of the current filing suggests that HP&E's and HWP's rates may result in substantially excessive revenues.

As noted, HP&E has requested waiver of the 120-day advance notice limitation and the requirement that Period II begin no earlier than nine months before the date on which the rate schedule change is proposed to become effective. HWP and HP&E also request waiver of the Commission's filing requirements so that they may file their cost of service study on a consolidated basis. The basis for these requests is the avoidance of duplicative and expensive work. Given the lack of opposition to these requests and the apparent economies of the approach taken by the companies, we conclude that good cause exists to waive these notice and filing requirements. Accordingly, HP&E's proposed rates will be accepted for filing and suspended for five months from its proposed effective date, to become effective, subject to refund, on June 20, 1985, and HWP's rates will be

suspended for five months from that proposed effective date, to become effective, subject to refund, on February 22, 1985.

The Commission Orders

(A) The motion for summary disposition regarding the elimination of Account 216.1 balances from HWP's capital structure is granted; the other motions for summary judgment and for rejection of certain portions of the filings are hereby denied. The elimination of Account 216.1 balances shall be reflected in any compliance cost of service and rates at the conclusion of this proceeding.

(B) The request for waiver of notice and other filing requirements, as discussed above, is hereby granted.

(C) HWP's and HP&E's proposed rates are hereby accepted for filing and are suspended for five months from the proposed effective dates, to become effective, subject to refund on February 22, 1985, and June 20, 1985, respectively.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of HWP's and HP&E's rates.

(E) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.
Kenneth F. Plumb,
Secretary.

ATTACHMENT.—RATE SCHEDULE
DESIGNATIONS

[Docket No. ER84-554-000]

Designations	Description
<i>Holyoke Water Power Company</i>	
(1) Supplement No. 2 to Supplement No. 2 to Rate Schedule FPC No. 30 (Supersedes Supplement No. 1 to Supplement No. 2 and Exhibit A to Supplement No. 1 to Supplement No. 2).	Service Schedule CD-1.
(2) Supplement No. 3 to Supplement No. 2 to Rate Schedule FPC No. 30.	Rider B.
<i>Holyoke Power and Electric Company</i>	
(3) FERC Electric Tariff, Original Volume No. 1 (Original Sheet Nos. 1 through 19).	Full Requirements Service Tariff.
(4) Service Agreement No. 1 under FERC Electric Tariff, Original volume No. 1 (Supersedes Rate Schedule FERC No. 4).	Unexecuted Service Agreement with South Hadley.
(5) Supplement No. 1 to Service Agreement No. 1 under FERC Electric Tariff, Original Volume No. 1.	Delivery Points—South Hadley.

[FR Doc. 84-25289 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-659-000]

Kentucky Utilities Co.; Filing

September 20, 1984.

The filing Company submits the following:

Take notice that on September 4, 1984, Kentucky Utilities Company (KU) tendered for filing three agreements between KU and East Kentucky Power Cooperative (East Ky.), each of which provided for an interconnection point between the two parties systems. An agreement between the parties dated January 13, 1970, which is on file with this Commission (Company Rate Schedule F.P.C. No. 96), provides for additional delivery points to be established as needs arise.

KU requests waiver of prior notice requirements and requests the following effective dates: (1) Letter agreement dated February 16, 1984, connection to Leeco Substation—September 30, 1984; (2) letter agreement dated March 23, 1984, connection to Revelo Substation—October 31, 1984; and (3) letter agreement dated July 13, 1984, connection to Hopewell tap—September 30, 1984.

Copies of this filing have been served upon East Ky. and the Public Service Commission of Kentucky.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion of intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25290 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket NO. GP84-50-000]

Mobil Oil Corp., et al.; "Complaint Against Purchasers' Noncompliance with Commission's Section 110 Regulations"

In the matter of ANR Pipeline Co., Arkansas Louisiana Gas Co., Columbia Gas Transmission Corp., El Paso Natural Gas Co., Florida Gas Transmission Corp., Lone Star Gas Co., Montana Dakota Utilities Co., Natural Gas Pipeline Co. of America, Northern Illinois Gas Supply Inc., Northern Natural Gas Co., Northwest Central Pipeline Corp., Northwest Pipeline Corp., Panhandle Eastern Pipe Line Co., Sea Robin Pipeline Co., Southern Natural Gas Co., Tennessee Gas Pipeline Co., Texas Eastern Transmission Corp., Texas Gas Transmission Corp., Transcontinental Gas Pipeline Co., Transwestern Pipeline Co., Trunkline Gas Co., United Gas Pipe Line Co.

Issued September 18, 1984.

On August 28, 1984, Mobil Oil Corporation, et al. (Mobil), Nine Greenway Plaza, Suite 2700, Houston, Texas 77045, filed a complaint with the Federal Energy Regulatory Commission (Commission) against ANR Pipeline Company, et al. (Respondents), pursuant to Rule 206(a) of the Commission's Rules of Practice and Procedure² and § 271.1105 of the Commission's regulations.³ Mobil has complained that Respondents are not complying with the Commission's regulations under section 110 of the Natural Gas Policy Act of 1978.⁴

Specifically, Mobil asserts that the Respondents are not paying the billed production-related costs pursuant to the requirements of the Commission's rules. Mobil believes that each of the listed Respondents, respectively, is in

¹ Mobil Oil Corporation filed this Complaint on behalf of itself and its wholly-owned affiliates, Mobil Producing Texas & New Mexico Inc. and Mobil Oil Exploration & Producing Southeast Inc.

² 18 CFR 385.206(a) (1983).

³ 18 CFR 271.1105 (1983).

⁴ 15 U.S.C. 3301-3432 (1982).

violation of § 271.1104, et seq. in not timely paying its properly noticed and billed production-related costs. Mobil requests that the Commission (a) order the Respondents to immediately commence payment of properly billed production-related costs attributable to deliveries made prior to March 7, 1983, in accordance with § 271.1104(e)(3) of the Commission's regulations⁵ and (b) order that properly billed production-related costs attributable to deliveries made on or after March 7, 1983, be paid by the Respondents within thirty (30) days of the receipt of the seller's invoice.

Any person desiring to be heard or to protest this complaint should file within 15 days after Notice is published in the Federal Register, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceedings. Copies of the complaint have been served by the Complainant on all Respondents. Answers to the Complaint shall be due on or before October 9, 1984, under Rules 206 and 213.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25304 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-14-006]

Mountain Fuel Resources, Inc.; Tariff Filing

September 18, 1984.

Take notice that on September 10, 1984, Mountain Fuel Resources, Inc. (Resources) tendered for filing and acceptance the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

- Second Substitute Fifth Revised Sheet No. 4;
- Third Substitute Sixteenth Revised Sheet No. 7;
- Second Substitute Seventeenth Revised Sheet No. 7;
- Second Substitute Eighteenth Revised Sheet No. 7;
- Substitute Nineteenth Revised Sheet No. 7;
- Substitute Twentieth Revised Sheet No. 7;
- Substitute Twenty-First Revised Sheet No. 7.

Resources states that the foregoing tariff sheets were submitted to the Federal Energy Regulatory Commission (Commission) in accordance with

⁵ 18 CFR 271.1104(e)(3) (1983).

ordering paragraph B of Opinion No. 214, issued on May 2, 1984.

Resources states that it submitted a refund report to the Commission on March 14, 1983, pursuant to Article VII of a Stipulation and Agreement in Docket Nos. RP82-14-000, RP82-14-001, and RP82-47-000, which resolved all issued in the related proceedings other than the appropriate capital structure and rate of return on common equity. Resources states that on April 13, 1983, it refunded \$1,681,116.02 (principal and interest) to its jurisdictional sale-for-resale and transportation customers.

Resources further states that its final refund report to the Commission, which was prepared as prescribed by § 154.67 of the Commission's regulations, indicates an additional \$1,800,033.74 refunded to its jurisdictional customers.

Resources requests that the Commission waive any of its rules or regulations as may be necessary in order to allow the filed tariff sheets to be accepted as proposed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 26, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion of intervention. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25305 Filed 9-21-84; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 6195-001]

North Carolina Electric Membership Corp.; Surrender of Preliminary Permit

September 20, 1984.

Take notice that North Carolina Electric Membership Corporation, Permittee for the proposed Cape Fear Lock and Dam No. 1 Project No. 6195, has requested that its preliminary permit be terminated. The permit was issued on July 22, 1983, and would have expired December 31, 1984. The project would have been located on the Cape Fear River near Kelly, Bladen County, North Carolina.

The Permittee cites that the proposed project is not economically feasible as the reason for the surrender request.

The Permittee filed its request on August 31, 1984, and the surrender of the preliminary permit for Project No. 6195 is deemed accepted 30 days from the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25291 Filed 9-21-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP83-73-001]

Northern Natural Gas Co., Division of InterNorth, Inc.; Tariff Filing

September 18, 1984.

Take notice that on September 12, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), tendered for filing to become part of Northern Natural Gas Company's (Northern) F.E.R.C. Gas Tariff, Third Revised Volume No. 1:

Fifteenth Revised Sheet No. 1
Fourth Revised Sheet No. 1a
Sixth Revised Sheet No. 2a
Thirty-Fourth Revised Sheet No. 4a
Twenty-Fifth Revised Sheet No. 4b
Original Sheet No. 24
Original Sheet No. 24a
Original Sheet No. 24b
Third Revised Sheet No. 27e
Seventh Revised Sheet No. 27f
First Revised Sheet No. 29a
Original Sheet No. 78a
Original Sheet No. 78b
Original Sheet No. 78c
Original Sheet No. 78d
Third Revised Sheet No. 85d
Twenty-Second Revised Sheet No. 87
Twenty-Second Revised Sheet No. 88
Eighteenth Revised Sheet No. 90
Eleventh Revised Sheet No. 103
Twelfth Revised Sheet No. 104
Ninth Revised Sheet No. 110
Eighth Revised Sheet No. 111
Eighth Revised Sheet No. 112
Second Revised Sheet No. 124

These sheets consist of Northern's new CDO-1 Rate Schedule, revised SS-1 and AOS-1 Rate Schedules, Demand and Commodity Rate Schedules, Tables of Contents, Index of Purchasers, Directory of Communities Served and cancellation of a PL-1 Service Agreement. These pages also reflect the new and revised Service Agreements also filed by Northern on this date.

Also tendered for filing to become a part of Northern's F.E.R.C. Gas Tariff, Original Volume No. 2 is:

Twenty-First Revised Sheet No. 1a,
First Revised Sheet No. 1529.

Twenty-First Revised Sheet No. 1a reflects the deletion of the X-88 Agreement from the Table of Contents.

First Revised Sheet No. 1529 consists of a Notice of Cancellation for Rate Schedule X-88, a Gas Exchange Agreement between Northern Natural Gas Company and Tennessee Gas Pipeline Company dated December 3, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 26, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25306 Filed 9-21-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-665-000]

Pacific Gas and Electric Co.; Filing

September 20, 1984.

The filing Company submits the following:

Take notice that on September 7, 1984, Pacific Gas and Electric Company (PGandE) tendered for filing as an initial rate schedule the Power Sale Agreement between PGandE and the Resort Improvement District No. 1 (District) dated August 31, 1984.

PGandE states that the Agreement provides for full requirements resale service by PGandE to the District. PGandE will charge system average rates for service at primary distribution. The rates will consist of a \$250/month customer charge, a demand charge of \$7,801/kW-month, and an energy charge of \$.00756/kWh. A fuel cost adjustment charge will be added to the energy charge. The Agreement provides for rate adjustments to account for adjustments to PGandE's retail base revenue amounts authorized by the California Public Utilities Commission.

PGandE requests an effective date of November 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the District and the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25292 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-697-000]

**Transcontinental Gas Pipe Line Corp.;
Request Under Blanket Authorization**

September 18, 1984.

Take notice that on September 7, 1984, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP84-697-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Owens-Corning Fiberglass Corporation (Owens-Corning) through June 30, 1985, under the certificate issued in Docket No. CP82-426-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is indicated that pursuant to a limited release and gas sales and purchase agreement among Transco, Owens-Corning and McCormick 1978 Oil and Gas Program (McCormick), the seller of the gas, Owens-Corning has contracted to purchase natural gas which is gas released by Transco. Owens-Corning would use the gas at its Barrington and Berlin, New Jersey, plants for boiler fuel and process purposes. In order for Owens-Corning to receive its gas, it has entered into a gas transportation agreement with Transco dated July 1, 1984, it is indicated. Transco proposes to receive 2,000 dt equivalent of gas on an average day, up to 4,300 dt equivalent of gas on a peak

day and 730,000 dt equivalent of gas on an annual basis at existing points of interconnection with McCormick in the North Rucias Field, Brooks County, Texas, and to redeliver equivalent quantities (less quantities retained for compressor fuel and line loss make-up) at existing points of delivery between Transco and South Jersey Gas Company (South Jersey) for subsequent transportation to Owens-Corning's plants. The volume of gas to be transported to the Barrington plant would be 2,783 dt equivalent on a peak day, 1,000 dt equivalent on an average day, and 365,000 dt equivalent annually and that the volume of gas to be transported to the Berlin plant would be 1,500 dt equivalent on a peak day, 1,000 dt equivalent on an average day, and 365,000 dt equivalent annually. Transco's proposed transportation, including the rates which Owens-Corning would be charged, would be pursuant to Transco's Rate Schedule T-II, it is stated. Transco further states that no new facilities would be constructed by Transco in order to provide its part of the transportation service.

Transco also requests "flexible authority" whereby Transco would undertake certain filings to advise the Commission in the event Owens-Corning obtains different sources of supply or if additions or deletions of receipt and/or delivery points are required in the furtherance of the end-user transportation authority. Transco states that it would, within 30 days of the addition or deletion of any gas sources and/or receipt/delivery points, file a report with the Commission which would include:

(i) A copy of the gas purchase contract between Owens-Corning and the seller and a copy of any resulting modifications in the transportation agreement between Transco and Owens-Corning;

(ii) A statement as to whether the supply is attributable to gas under contract to, and released by, a pipeline or distributor and, if so, identification of the parties and specification of the current contract price;

(iii) A statement of the Natural Gas Policy Act of 1978 pricing categories of the added supply, if released gas, and the volumes attributable to each category;

(iv) If the supplier is a "producer or other seller in a first sale", a statement that the gas was not "committed or dedicated to interstate commerce on November 8, 1978" as such terms are used in § 157.209(e)(1)(i)(A) of the Regulations;

(v) Location of the receipt/delivery points being added or deleted and the

transportation rate changes, if any, resulting from the addition or deletion of receipt/delivery points (for deletions the name of the producer/supplier being deleted will be provided);

(vi) Where an intermediary participates in the transaction between Owens-Corning and the seller, the information required by § 157.209(c)(1)(ix) of the Regulations;

(vii) Identity of any other pipeline involved in the transportation; and

(viii) A statement by South Jersey that it is willing to provide its part of the transportation service for an added source of supply.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25307 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-706-000]

**Washington Gas Light Co.; Petition for
Declaratory Order**

September 18, 1984.

Take notice that on September 11, 1984, Washington Gas Light Company (WGL), 1100 H Street, NW., Washington, D.C. 20080, filed in Docket No. CP84-706-000 a petition pursuant to section 7(c)(1)(B) of the Natural Gas Act for a declaratory order exempting from the certificate requirements of section 7(c) a proposed sale of compressed natural gas (CNG), on a short-term, experimental basis to Accokeek Marine Company (Accokeek) for resale, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

WGL desires to sell CNG to Accokeek on an experimental basis to determine if a market exists for the use of CNG by pleasure boats. The CNG would be provided to Accokeek at WGL's

Forestville, Maryland, substation. The CNG would be placed in cylinders that hold either 84 or 114 cubic feet of natural gas at 2,400 psig. It is asserted that the cylinders would be owned, maintained and transported by Accokeek in compliance with all applicable regulations. WGL would not be involved in the promotion, sale or distribution of the gas to boat owners. It is stated that the volume of gas to be sold in this experimental program is *de minimis*, as Accokeek's current cylinder capacity is only approximately 5 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 4, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25306 Filed 9-21-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-664-000]

Washington Water Power Co.; Filing

September 20, 1984.

The filing Company submits the following:

Take notice that on September 6, 1984, Washington Water Power Company (Washington) tendered for filing materials regarding the average system cost (ASC) for Washington and Idaho jurisdictions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 4, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to

become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25293 Filed 9-21-84; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5248-999, et al.]

**West Slope Power Co., et al.;
Extension of Time**

September 18, 1984.

On September 12, 1984 and September 14, 1984, the State of California's Office of Planning and Research and the United States Department of the Interior's Bureau of Reclamation filed respective motions for an extension of time to file comments on a Draft Environmental Impact Analysis Report, as provided for in the Commission's Request for Comments and Notice of Availability issued August 10, 1984, in the above-docketed proceeding. The State of California's motion states that interested State agencies have experienced a delay in their receipt of a copy of the draft report and therefore require additional time to review the document and coordinate the preparation of their comments.

Upon consideration, notice is hereby given that the State of California and the U.S. Department of Interior are granted an extension of time for the filing of comments to and including October 1, 1984.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25309 Filed 9-21-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF84-455-000]

**General Electric Co.; Application for
Commission Certification of Qualifying
Status of a Cogeneration Facility**

September 20, 1984.

On August 20, 1984, General Electric Company (Applicant), Transportation Systems Business Operations, 2901 East Lake Road, Erie, Pennsylvania 16531, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Building 4E at 2901 East Lake Road, Erie, Pennsylvania 16531. The facility will consist of three No. 2 fuel oil fired diesel engine

generator sets and a waste heat recovery boiler (WHRB). High pressure steam from the WHRB will be used for supply to process steam loads on the site through the district heating system and also to heat raw city water for use in the lime softening system. The net electric power production capacity of the facility will be 7.95 MW. The primary energy source will be No. 2 diesel fuel oil. No electric utility or electric utility holding company has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25287 Filed 9-21-84; 8:45 am]
BILLING CODE 6717-01-M

**Determination Under the Natural Gas
Policy Act for OCS Leases Issued on
or After April 20, 1977**

Issued August 31, 1984.

On September 27, 1983, the Federal Energy Regulatory Commission (Commission) issued Order No. 336 under Docket Nos. RM83-3 and RM81-12 (48 FR 44508 September 29, 1983). In that order, the Commission amended its regulations relating to filing requirements for well category applications under the Natural Gas Policy Act of 1978 (NGPA). The determination process for natural gas produced from a new lease, i.e., a lease entered into on or after April 20, 1977, on the Outer Continental Shelf (OCS), and qualifying as new natural gas under Section 102 of the NGPA, was amended in two respects. First, the Commission eliminated the requirement that a determination be made for each well producing gas from a new OCS lease. Second, in lieu of filing an application for each well, the Commission now permits the grant of a new OCS lease to

constitute the requisite jurisdictional agency determination that the gas is produced from a new OCS lease.

Under the new procedures, the U.S. Department of Interior, Minerals Management Service (MMS), must file within 60 days of the grant of the lease a notice of determination which includes the lease number, the area and block number, and the date on which the OCS lease was issued by the Secretary of the Interior. This determination is subject to Commission review in the same manner as other jurisdictional agency determinations.

On August 10, 1984, the Commission received notice from MMS, Pacific OCS Region, that on May 20, 1984, MMS issued five leases from OCS Sale No. 53. The new leases were the subject of litigation since the sale date of May 28, 1981. These leases have been determined to qualify under NGPA section 102(c)(1)(A) as new OCS leases granted on or after April 20, 1977, pursuant to Order No. 336, and are identified as follows:

Lease No. OCS-P	Legal description, oil and gas sale No. 53 of May 28, 1981	Effective date
0373	NI 10-3; Block 590	June 1, 1984.
0374	NI 10-3; Block 591	Do.
0375	NI 10-3; Block 634	Do.
0376	NI 10-3; Block 635	Do.
0377	NI 10-3; Block 678	Do.

The notice of determination for these leases is available for inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within twenty days after publication of this notice in the Federal Register.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25299 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-5236-005, et al.]

Cabot Corp. (Formerly Godfrey I. Cabot, Inc.), et al.; Applications for Certificates, Abandonments of Service and Petitions To Amend Certificates¹

September 18, 1984.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 26, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
G-5236-005, D, Sept. 6, 1984	Cabot Corporation (formerly Godfrey I. Cabot, Inc.), P.O. Box 1473, Charleston, West Virginia 25325.	Consolidated Gas Supply Corp., McDowell, Wyoming & Fayette Counties, West Virginia.	(1)	
G-11957-000, D, Sept. 10, 1984	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	El Paso Natural Gas Company, Spraberry Trend Area and Benedum Fields, Glasscock, Midland, Reagan & Upton Counties, Texas.	(2)	
G-15221-000, D, Sept. 6, 1984	Cabot Corporation (Succ. to Cabot Carbon Co.), P.O. Box 1473, Charleston, West Virginia 25325.	Consolidated Gas Supply Corp. (Formerly New York State Natural Gas Corp.), Clearfield Field, Clearfield County, Pennsylvania.	(3)	
G-17012-000, D, Sept. 10, 1984	Sohio Petroleum Company, P.O. Box 4587, Houston, Texas 77210.	El Paso Natural Gas Company, Spraberry Field, Upton County, Texas.	(4)	
G-17337-002, Sept. 12, 1984	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Texas Gas Transmission Corporation, West Cameron Block 33, Offshore, Louisiana.	(5)	
G-17012-000, D, Sept. 10, 1984	Sohio Petroleum Company, P.O. Box 4587, Houston, Texas 77210.	El Paso Natural Gas Company, Spraberry Field, Upton County, Texas.	(6)	
C162-1523-001, D, Sept. 10, 1984	do	El Paso Natural Gas Company, Spraberry Field, Upton County, Texas.	(7)	
C168-492-000, D, Sept. 6, 1984	Cabot Corporation, P.O. Box 1473, Charleston, West Virginia 25325.	Consolidated Gas Supply Corp., Cabot Station, Calhoun County, West Virginia (Consolidated) Pleasant County, West Virginia.	(8)	
C179-247-001, Aug. 27, 1984	Warren Petroleum Company, A Division of Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77252.	El Paso Natural Gas Company, Levelland Gas Processing Plant, Hockley County, Texas.	(9)	
C179-438-001, E, Sept. 7, 1984	Phillips Petroleum Company (Successor in Interest To Phillips Oil Company), 338 HS&L Building, Bartlesville, Oklahoma 74004.	Sea Robin Pipeline Company, South Marsh Island, Blocks 234 & 235, Offshore, Louisiana.	(10)	14.73
C180-174-001, E, Sept. 5, 1984	do	Sea Robin Pipeline Company, South Marsh Island, Blocks 234 & 235, Offshore, Louisiana.	(11)	14.73
C184-573-000, A, Aug. 31, 1984	TBP Offshore Company, P.O. Box 2009, Amarillo, Texas 79189.	United Gas Pipe Line Company, Block A-351, High Island Area, East Addition, South Extension, Offshore, Texas.	(12)	14.73
C184-574-000 (G-9483), B, Sept. 4, 1984	Sun Exploration and Production Company, P.O. Box 2880, Dallas, Texas 75221-2880.	Tennessee Gas Pipeline Company, Nelsonville Field, Austin County, Texas.	(13)	
C184-575-000 (C173-47), B, Aug. 31, 1984	The Superior Oil Company, P.O. Box 1521, Houston, Texas 77251.	Transcontinental Gas Pipe Line Corporation, Brazos Block A-1, Offshore, Texas.	(14)	
C184-576-000, B, Aug. 31, 1984	Murvin Oil Corporation	Consolidated Gas Transmission Corporation, Murphy District, Ritchie County, West Virginia Allen No. 2.	(15)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
C184-577-000 (C173-97), B, Aug. 31, 1984.	The Superior Oil Company, P.O. Box 1521, Houston, Texas 77251.	Transcontinental Gas Pipe Line Corporation, Brazos Block A-1, Offshore, Texas.	(14)	
C184-578-000 (C166-443-000), B, Aug. 27, 1984.	Shell Oil Company, P.O. Box 2463, Houston, Texas 77001.	ANR Pipeline Company, Buck Point Field, Vermilion Parish, Louisiana.	(15)	
C184-579-000 (C166-439-000), B, Sept. 4, 1984.	do	ANR Pipeline Company, East Buck Point Field, Vermilion Parish, Louisiana.	(16)	
C184-580-000 (C173-471), B, Sept. 4, 1984.	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	El Paso Natural Gas Company, Morrison (3600' Wolfcamp) (Ellenburger) Field, Crockett and Val Verde Counties, Texas.	(17)	
C184-581-000, B, Sept. 7, 1984.	Warren Drilling Company, Inc., P.O. Box 1218, Owensboro, Kentucky 42302.	Texas Gas Transmission Corporation, Elk Creek Gas Field, Hopkins County, Kentucky.	(18)	
C184-582-000, B, Sept. 7, 1984.	Commonwealth Exploration, Inc., P.O. Box 1604, Owensboro, Kentucky 42302.	Texas Gas Transmission Corporation, Slaughters South Gas Area, Hopkins County, Kentucky.	(19)	
C184-583-000, B, Sept. 7, 1984.	Charlotte A. Sutliff, P.O. Box 388, Princeton, Indiana.	Texas Gas Transmission Corporation, Francisco Field, Gibson County, Indiana.	(20)	
C184-584-000, B, Sept. 6, 1984.	Cabot Corporation (Formerly Godfrey L. Cabot, Inc.), P.O. Box 1473, Charleston, West Virginia 25325.	Sylvania Corporation, Town of Benezette, County of Elk, Pennsylvania.	(21)	
C184-590-000, B, Sept. 7, 1984.	Texas Crude Oil Company, 2100 Texas Crude Building, 801 Travis, Houston, Texas 77002.	Southern Natural Gas Company, Bully Camp Field, La Fourche Parish, Louisiana.	(22)	
C184-585-000 (C180-145), B, Sept. 10, 1984.	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Northern Natural Gas Company, Galveston Block A-157, Offshore, Texas.	(23)	
C184-586-000, B, Sept. 10, 1984.	Adeline Janette Fleischaker, Revocable Trust, et al., c/o Mr. David S. Fleischaker, Jolen Operating Company, P.O. Box 1178, Oklahoma City, Oklahoma.	ANR Pipeline Company, Barby No. 1-12 Well, Laverne Field, Section 12-4N-26ECM, Beaver County, Oklahoma, 73101.	(24)	
C184-587-000 (C179-572), B, Sept. 12, 1984.	Kerr-McGee Corporation, P.O. Box 25851, Oklahoma City, Oklahoma 73125.	Southern Natural Gas Company and United Gas Pipe Line Company, Platform A in Block 330, West Cameron Area, Offshore Louisiana.	(25)	
C184-588-000, B, Sept. 12, 1984.	Walter W. Krug d/b/a. Wallen Production Co., P.O. Box 1980, Midland, Texas 79702.	Northern Natural Gas Company, Section 40, North of Block O, A.B. Dyer, Sur. Part of Section 38, Block KL, F.M. Holmsbey, Sur. Ozona (Canyon) Field, Crockett County, Texas.	(26)	
C184-589-000, B, Sept. 12, 1984.	Kaiser Energy, Inc., P.O. Box 8, Ravenswood, West Virginia 26164.	Columbia Gas Transmission Corporation, Kenna Quad, Ripley District, Jackson County, West Virginia.	(27)	
G-3315-001, D, Sept. 13, 1984.	Diamond Shamrock Exploration Company, P.O. Box 631, Amarillo, Texas 79173.	Northern Natural Gas Company, McKee Plants, Moore County, Texas.	(28)	

¹ Corporate Reorganization. Exchange to continue between Cranberry Pipeline Corporation and Consolidated Gas Supply Corp.

² By Assignment of Operating Rights effective 11-5-83 MPTM assigned to John L. Co. small producer, all of its operating rights in that certain producing acreage.

³ Pressure decreased to point where gas from well could not enter purchaser's pipelines. Well is plugged and the underlying leases expired.

⁴ Sohio Petroleum Company assigned their interest in S/2 and NW/4 of Section 14, Block N, H. E. & W. T. RR Co. Survey Upton County, Texas to USENCO Incorporated.

⁵ Applicant is filing to change delivery point.

⁶ Not used.

⁷ Sohio Petroleum Company assigned their interest in N/2 of Section 1, Block N, H. E. & W. T. RR Co. Survey, Sprayberry Field, Upton County, Texas.

⁸ Corporation Reorganization Transportation to continue by Cranberry Pipeline Corporation.

⁹ Applicant is filing for permission to abandon the existing delivery point and substitute another existing delivery point.

¹⁰ Effective December 1, 1983, Phillips Oil Company assigned to Applicant, its working interest in OCS-G-2300 South Marsh Island, Blocks 234 and 235, Offshore, Louisiana.

¹¹ Effective December 1, 1983, Phillips Oil Company assigned to Applicant, its working interest in the East Cameron Block 38 Field, Offshore Louisiana.

¹² Applicant is filing under Gas Purchase Contract dated May 16, 1984.

¹³ The remaining leases and acreage committed have either expired or have been assigned.

¹⁴ The reserves have depleted and the lease has been released.

¹⁵ Decline in production, uneconomical to continue operations.

¹⁶ Shell no longer owns any leases subject to this rate schedule.

¹⁷ The gas delivered under the contract contains hydrogen sulphide in excess of the specifications provided in the contract and in excess of the amounts buyer can accept in its pipeline facilities.

¹⁸ Field depleted.

¹⁹ Wells are inactive, gas supply is depleted.

²⁰ The Louis Adams Wells No. 1 & 1-D were P&A on 7/9/73. Additionally, Purchaser has requested Seller to seek abandonment in order that Purchaser may abandon pipeline & measuring facilities installed for receipt of production.

²¹ Ceased production due to depletion.

²² Well level declined to a non-commercial level.

²³ All wells have watered out and lease has no future production potential. All have been plugged and abandoned.

²⁴ The Miller No. 5 gas well is in final depletion stage with total production in June 1984 being 354 MCF or 12 MCF/day, therefore uneconomical to operate well.

²⁵ Purchaser determined to release the production and acreage associated with the high cost gas produced from the Melvin Casto well (KEM No. 165).

²⁶ These leases have expired or terminated by their own terms.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 84-25300 Filed 9-2-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-51-000, et al.]

Motion of Indicated Producers To Require Pipeline Purchasers To Pay Gathering and Compression Allowances; Shell Oil Co. et al.

September 18, 1984.

In the matter of motion of Indicated Producers respecting: Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 And Establishing Policy Under the Natural Gas Act (Docket No. RM80-47-002); Delivery Allowances under Section 110 of the Natural Gas Policy Act of 1978 (Docket No. RM80-73-000; Compression Allowances under Section 110 of the Natural Gas Policy Act of 1978 (Docket No. RM80-74-000)

On september 7, 1984, Indicated Producers¹ requested, pursuant to 18 CFR 385.212 [1983], that the Federal

¹ Shell Oil Company, Shell Offshore Inc., Shell Western E&P Inc., Aminoil Inc., Cities service Oil and Gas Corporation, Gulf Oil Corporation, Mitchell Energy Corporation, Mobil Oil Corporation, Mobil Producing Texas & New Mexico Inc., Mobil Oil Exploration & Producing Southeast Inc., Sun Exploration and Production Company, Texaco Inc., and Union Oil Company of California are the Indicated Producers herein. Although styled as a "motion," Indicated Producers' request is generally in the nature of a Complaint, and has been docketed at No. GP 84-51-000. It is akin to a complaint filed by Mobil Oil Corporation, et al. on Aug. 28, 1984, at Docket No. GP84-50-000, respecting the section 110 regulations under the Natural Gas Policy Act of 1978 (NGPA). 15 U.S.C. 3301-3432 (1982).

Energy Regulatory Commission (Commission) issue an Order requiring interstate pipeline purchasers to make payments of the generic gathering and compression allowances established by Order No. 94-A² and Order No. 94-C³ in Docket No. RM80-47-002, in the amounts set out in the Interim Rule⁴ and Final Rule⁵ in Docket Nos. RM80-73-000 and RM80-74-000. The Interim Rule provided that collection of these allowances could begin, effective thirty

² 22 FERC ¶ 61,055 (1983).

³ 23 FERC ¶ 61,280 (1983).

⁴ 22 FERC ¶ 61,054 (1983).

⁵ 24 FERC ¶ 61,356 (1983).

(30) days from the date of publication of that Order in the *Federal Register* (*mimeo* at 47) or March 7, 1983. These allowances are self-implementing, and require that the seller have contractual authority therefor, and that the seller submit to the purchaser a written description of the basis for the charges,⁶ and file a blanket affidavit with the Commission under § 154.94(k) of the Commission's regulations.

Indicated Producers assert that despite the fact that Producers have fully complied with the Commission's Orders, most interstate pipeline purchasers are, arbitrarily and without legal justification, refusing to pay the generic delivery and compression allowances. Indicated Producers note further that the Commission has pending before it another proceeding, entitled "Refunds Resulting From Btu Measurement Adjustments, Docket Nos. RM84-6-000, *et al.*"

Indicated Producers specifically request that the Commission should either:

1. Direct the interstate pipelines to offset the production-related cost allowances under section 110 of the Natural Gas Policy Act of 1978 against the Btu refund payments of Docket No. RM80-6-000, *et al.*, or

2. Direct the interstate pipelines to begin making payments for production-related cost allowances for which they have received billings on a current basis each month, and to make retroactive payments for which they have received billings within 30 days after the Commission's Order, or receipt of the billing statement, whichever occurs last.

Any person desiring to be heard or to protest Indicated Producers' filing should file within 15 days after notice is published in the *Federal Register*, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, a motion to intervene or a protest in accordance with the requirements of Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-25298 Filed 9-21-84; 8:45 am]

BILLING CODE 6717-01-M

⁶ 18 CFR 271.1104(e) (1983); Order No. 94-A, Appendix at 10-12.

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51537; TSH-FRL-2676-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty-six PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 84-1149, 84-1150, 84-1151, 84-1152, 84-1153, 84-1154, 84-1155, 84-1156, 84-1157, 84-1158, 84-1159, 84-1160 and 84-1161—December 8, 1984.

PMN 84-1162, 84-1163, 84-1164, 84-1165, 84-1166, 84-1167, 84-1168, 84-1169, 84-1170 and 84-1171—December 9, 1984.

PMN 84-1172, 84-1173 and 84-1174—December 10, 1984.

Written comments by:

PMN 84-1149, 84-1150, 84-1151, 84-1152, 84-1153, 84-1154, 84-1155, 84-1156, 84-1157, 84-1158, 84-1159, 84-1160 and 84-1161—November 8, 1984.

PMN 84-1162, 84-1163, 84-1164, 84-1165, 84-1166, 84-1167, 84-1168, 84-1169, 84-1170 and 84-1171—November 9, 1984.

PMN 84-1172, 84-1173 and 84-1174—November 10, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS-51537]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT:

Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENT INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by

the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

PMN 84-1149

Manufacturer: Confidential.

Chemical: (G) Disubstituted carbopolycycle, salt.

Use/Production: (S) Site-limited isolated intermediate. Prod. range: Confidential.

Toxicity Data: No data submitted.

Exposure: Confidential.

Environmental Release/Disposal: Confidential. Disposal by navigable waterway.

PMN 84-1150

Manufacturer: Confidential.

Chemical: (S) 2,2'-Methylene-bis-[4,6-bis(1,1-dimethylethyl)]-1,3-benzenediol.

Use/Production: (G) Additive for plastics, rubber or lubricants. Prod. range: Confidential.

Toxicity Data: Ames Test: Non-mutagenic.

Exposure: Manufacture: dermal, a total of 17 workers, up to 4 hrs/da, up to 300 da/yr.

Environmental Release/Disposal: 10 to 300 kg/batch released to land. Disposal by publicly owned treatment works (POTW).

PMN 84-1151

Manufacturer: Confidential.

Chemical: (S) 2,2'-Methylene-bis-[4,6-bis(1,1-dimethylethyl)]-1,3-benzenediol.

Use/Production: (G) Additive for plastics, rubber or lubricants. Prod. range: Confidential.

Toxicity Data: Ames Test. Non-mutagenic.

Exposure: Manufacture: dermal, a total of 23 workers, up to 4 hrs/da, up to 300 da/yr.

Environmental Release/Disposal: 10 to 300 kg/batch released to land. Disposal by POTW.

PMN 84-1152

Importer: Confidential.

Chemical: (G) Copper complex of a substituted phenyl azo.

Use/Import: (S) Direct dye for paper. Import range: Confidential.

Toxicity Data: Acute oral: 720 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.

Exposure: Processing: dermal, a total of 1 person/shift, ¼ hr/da.

Environmental Release/Disposal: Disposal by on-site biological waste treatment plants.

PMN 84-1153

Manufacturer. Confidential.

Chemical. (G) Aromatic substituted urea.

Use/Production. (G) Curing agent for thermoset resins. Prod. range: Confidential.

Toxicity Data. Acute oral: 3,636 mg/kg; Acute dermal: >2 gm/kg; Irritation: Eye—Severe; Ames Test: Not mutagenic; Delayed contact hypersensitivity: No sensitization.

Exposure. Manufacture: a total of 18 workers, up to 8 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. 0.1 kg/batch released with none to water. Disposal by POTW.

PMN 84-1154

Manufacturer. Confidential.

Chemical. (G) Aromatic substituted urea.

Use/Production. (G) Curing agent for thermoset resins. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: a total of 18 workers, up to 8 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. 0.1 kg/batch released with none to water. Disposal by POTW.

PMN 84-1155

Manufacturer. Confidential.

Chemical. (G) Quaternary polyamine.

Use/Production. (G) An additive used in the energy production industry. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker.

Environmental Release/Disposal. 25 kg/batch released.

PMN 84-1156

Manufacturer. Confidential.

Chemical. (G) Quaternary ammonium chloride of oxyalkylated polyamine.

Use/Production. (G) An additive used in the energy production industry. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker.

Environmental Release/Disposal. 25 kg/batch released.

PMN 84-1157

Manufacturer. Confidential.

Chemical. (G) Oxyalkylated phenolic ester.

Use/Production. (G) An additive used in the energy production industry. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker.

Environmental Release/Disposal. 25 kg/batch released.

PMN 84-1158

Manufacturer. Confidential.

Chemical. (G) Quaternary ammonium chloride of an oxyalkylated polyamide.

Use/Production. (G) An additive used in the energy production industry. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker.

Environmental Release/Disposal. 25 kg/batch released.

PMN 84-1159

Manufacturer. Confidential.

Chemical. (G) Oxyalkylated tetrol 2-butenedioic acid ester.

Use/Production. (G) An additive used in the energy production industry. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker.

Environmental Release/Disposal. 25 kg/batch released.

PMN 84-1160

Manufacturer. Confidential.

Chemical. (G) Propoxylated imidazoline.

Use/Production. (G) An additive used in the energy production industry. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker.

Environmental Release/Disposal. 25 kg/batch released.

PMN 84-1161

Manufacturer. Confidential.

Chemical. (G) 4-Substituted benzoic acid.

Use/Production. (G) Site-limited intermediate. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal, a total of 9 workers, up to 24 hrs/da, up to 4.5 da/yr.

Environmental Release/Disposal. 0.2 to 9.6 kg/batch released. Disposal by incineration.

PMN 84-1162

Manufacturer. Confidential.

Chemical. (G) Fatty acids, ester with polyols.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal, a total of 6 workers.

Environmental Release/Disposal. Less than 0.1 kg/batch released to water. Disposal by sanitary landfill and state approved water treatment system.

PMN 84-1163

Manufacturer. The Minnesota Mining and Manufacturing Company.

Chemical. (G) Perfluoroalkyl substituted polyurethane.

Use/Production. (S) Industrial fiber treatment. Prod. range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Irritation: Skin—Minimal, Eye—Non-irritant; Ames Test: Non-mutagenic; Yeast assay: Non-recombinogenic; C-BOD₅: Nil; C-BOD₁₀: Nil; C-BOD₂₀ ≤ 51 mg/l; LC₅₀ 96 hr (Fathead minnow): 1,000 mg/l.

Exposure. Manufacture and processing: dermal, a total of 20 workers.

Environmental Release/Disposal. Less than 2 to less than 10 lbs. released to water and less than 2 lbs. to land. Disposal by biological wastewater treatment, navigable waterway and sanitary landfill.

PMN 84-1164

Manufacturer. Confidential.

Chemical. (G) Disubstituted benzoic acid ester.

Use/Production. (G) Chemical intermediate. Prod. range: 3,000–6,000 kg/yr.

Toxicity Data. Acute oral: Males and females >3,200 mg/kg; Acute dermal: >1 g/kg; Irritation: Skin—Slight, Eye—Slight; Skin sensitization: Normal to moderate.

Exposure. Manufacture and use: dermal and inhalation, a total of 14 workers, up to 0.8 hr/da, up to 10 da/yr.

Environmental Release/Disposal. Less than 15 to 30 kg/batch incinerated.

PMN 84-1165

Manufacturer. Confidential.

Chemical. (G) Substituted benzotriazole.

Use/Production. (G) Chemical intermediate. Prod. range: 650–1,300 kg/yr.

Toxicity Data. Acute oral: Males and females >3,200 mg/kg; Acute dermal: >1 g/kg; Irritation: Skin—Slight, Eye—Slight; Skin sensitization: Normal.

Exposure. Manufacture and use: dermal and inhalation, a total of 9 workers, up to 0.5 hr/da, up to 10 da/yr.

Environmental Release/Disposal. Less than 0.1 to 9 kg/batch incinerated.

PMN 84-1166

Manufacturer. Confidential.

Chemical. (G) Functionally modified polyurethane.

Use/Production. (G) Industrial coating. Prod. range: 50,000–122,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 26 workers, up to 5 hrs/da, up to 49 da/yr.

Environmental Release/Disposal. 5 to 25 kg/batch released to land. Disposal by incineration and landfill.

PMN 84-1167

Manufacturer. Confidential.

Chemical. (G) Epoxy ester.

Use/Production. (G) UV-curable resin for clear finishes. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 5 workers.

Environmental Release/Disposal. Confidential.

PMN 84-1168

Manufacturer. E.I. du Pont de Nemours and Company, Inc.

Chemical. (G) Polysubstituted urethane.

Use/Production. (G) Synthetic fiber finish, non-dispersive use. Prod. range: 800-100,000 kg/yr.

Toxicity Data. Acute oral: >25,000 mg/kg; Irritation: Skin—Slight, Eye—Mild to moderate; Inhalation: 290 mg/m³.

Exposure. Manufacture and use: dermal, a total of 20 workers, up to 7 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. 0.4 to 40 kg/batch contained for disposal. Disposal by on-site chemical/biological waste treatment facility.

PMN 84-1169

Importer. Confidential.

Chemical. (G) Phenol, benzylic ether.

Use/Import. (G) Highly dispersive use. Import range: Confidential.

Toxicity Data. Irritation: Eye—Non-irritant to mild; Ames Test: Not mutagenic; Skin sensitization: No sensitizing potentiality; Photallergenicity: No photoallergenic properties; Phototoxicity: no phototoxic potential.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 84-1170

Manufacturer. Confidential.

Chemical. (G) Rhodium carboxylate.

Use/Production. (G) Homogeneous chemical catalyst. Prod. range: Confidential.

Toxicity Data. Confidential.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by recycle and recovery.

PMN 84-1171

Manufacturer. The Minnesota Mining and Manufacturing Company.

Chemical. (G) Perfluoroalkyl substituted polyurethane.

Use/Production. (S) Industrial fiber treatment. Prod. range: Confidential.

Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Minimal, Eye—Non-irritant; Ames Test: Non-mutagenic; Yeast assay: Non-recombinogenic; C-BOD₅: Nil; C-BOD₁₀: Nil; C-BOD₂₀: Nil; COD: 0.60 g/g; LC₅₀ 96 hr (Fathead minnows): 1,000 mg/l.

Exposure. Confidential.

Environmental Release/Disposal. 2 to less than 10 lbs released to water with 2 lbs to land. Disposal by incineration, sanitary landfill, navigable waterway and reclamation or recycle.

PMN 84-1172

Manufacturer. Confidential.

Chemical. (S) 1-Dodecanamine sulfate, mixture of mono- and di- amine salts.

Use/Production. (G) Catalyst promoter for contained use in crude oil refineries. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. 0.002 kg/batch released to land. Disposal by approved and licensed deep well.

PMN 84-1173

Manufacturer. Confidential.

Chemical. (S) 1-Octanamine hydrogen sulfate, mixture of mono- and di- amine salts.

Use/Production. (G) Catalyst promoter for contained use in crude oil refineries. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. 0.03 kg/batch released to land. Disposal by approved and licensed deep well.

PMN 84-1174

Manufacturer. Confidential.

Chemical. (S) Tricyclo [3.3.1.1³] decan-1-amine sulfate, mixture of mono- and di- amine salts.

Use/Production. (G) Catalyst promoter for contained use in crude oil refineries. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal and inhalation.

Environmental Release/Disposal. 0.05 kg/batch released to land. Disposal by approved and licensed deep well.

Dated: September 14, 1984.

Linda A. Travers,
Acting Director, Information Management
Division.

[FR Doc. 84-25220 Filed 9-21-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-50526; TSH-FRL-2677-1]

Significant New Use Notification; Receipt

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a significant new use notice from a company that intends to begin manufacturing the chemical substance 4,4'-methylenebis(2-chlorobenzeneamine) (MBOCA) in the United States. The company has submitted the significant new use notice voluntarily in anticipation of a possible EPA proposal to designate the manufacture of MBOCA in the United States as a significant new use of that substance.

FOR FURTHER INFORMATION CONTACT: Jeanette Wiltse, Chief, Risk Management Branch, Existing Chemical Assessment Division (TS-778), Office of Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460, (202-382-3832).

SUPPLEMENTARY INFORMATION: Sections 5(a)(2) of TSCA authorizes EPA to determine that a use of a chemical substance is a significant new use; the regulatory mechanism for doing so is a significant new use rule (SNUR). TSCA section 5(a)(1)(B) requires persons intending to engage in a significant new use, as designated by EPA, to submit a significant new use notice to the Agency at least 90 days before they commence that use. EPA has codified the notice requirements and other general SNUR provisions at 40 CFR Part 721, Subpart A.

At present, there is no SNUR proposed or in effect for the chemical substance MBOCA. However, the EPA Office of Pesticides and Toxic Substances (OPTS) is developing a proposed SNUR that would designate the manufacture of MBOCA in the United States as a significant new use of that substance. OPTS currently intends to include a provision in the proposed SNUR exempting persons who, prior to the effective date of the final SNUR, meet certain conditions of voluntary compliance.

Although EPA has not yet proposed a SNUR for MBOCA, the Agency has

received a significant new use notice from a company that currently intends to manufacture MBOCA in the United States. The company submitted the notice voluntarily, with the knowledge that OPTS is developing the proposed SNUR described above. The company submitted the notice because it is seeking to comply with the SNUR before the rule is promulgated, and thus possibly qualify for an exemption from the final rule.

If OPTS does promulgate a SNUR for the manufacture of MBOCA in the United States, and the rule contains a voluntary compliance exemption, then the Agency would determine whether the company has met all of the conditions for the exemption as specified in the final SNUR. If such an exemption were granted, EPA would not require the company to cease production and submit a new SNUR notice on the effective date of the final rule.

Interested persons will have an opportunity to comment on the voluntary compliance exemption when the SNUR is proposed. The completed non-confidential document is available in the Public Reading Room E-107 at the above address.

The following is a list of data extracted from the nonconfidential version of the company's significant new use notice.

SNUR 84-1

Chemical. 4,4-methylenebis(2-chlorobenzeneamine), also identified as 4,4'-methylenebis(2-chloroaniline) and MBOCA (CAS No. 101-14-4).

Manufacturer. Confidential.

Significant new use. Manufacture in the United States.

Use(s) of chemical substance. Industrial and commercial crosslinking agent for polyurethane products.

Production range. Confidential.

Toxicity data. No data submitted.

Exposure. Confidential.

Environmental release. Confidential.

Disposal. Confidential.

(Sec. 5, Pub. L. 94-469, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: September 14, 1984.

Linda A. Travers,
Acting Director, Information Management
Division.

[FR Doc. 84-25218, Filed 9-21-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59168A; OTS-FRL 2678-1]

Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-84-77. The test marketing conditions are described below.

EFFECTIVE DATE: September 12, 1984.

FOR FURTHER INFORMATION CONTACT:

Candy Brassard, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-202, 401 M Street SW., Washington, DC 20460, (202-382-3480).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-84-77. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the level and duration of exposure must not exceed those specified in the application. All other conditions and restrictions described in the application and in this notice must be met. The following additional restrictions apply. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until five years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substances produced and must make these records available to EPA upon request.

2. The applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

TME-84-77.

Date of Receipt: August 13, 1984.

Notice of Receipt: August 24, 1984 (49 FR 33720).

Applicant: Confidential.

Chemical: (G) Aliphatic amine adducted with epoxy resin.

Use: (G) Potting and casting applications.

Production Volume: Confidential.

Number of Customers: Confidential.

Worker Exposure: Confidential.

Test Marketing Period: One year.

Commencing on: September 12, 1984.

Risk Assessment: No significant health or environmental concerns were identified. The estimated worker exposure and environmental release of the test market substance are expected to be low. The test market substance will not present any unreasonable risk of injury to health or the environment.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: September 12, 1984.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 84-25218 Filed 9-21-84; 8:45 am]

BILLING CODE 6560-50-M

[A-7-FRL]

Region VII; Actions Taken Under the PSD and NSPS Regulations (Iowa/Kansas/Missouri/Nebraska)

Notice is hereby given that the Environmental Protection Agency (EPA), Region VII, has taken the following actions under either the federal prevention of significant deterioration of air quality (PSD) regulation, 40 CFR 52.21 (as amended on August 7, 1980), or the federal Standards of Performance for New Stationary Sources (NSPS) regulation, 40 CFR Part 60:

(A) The following PSD permit was revised:

NATIONAL COOPERATIVE REFINERY ASSOCIATION, McPherson, Kansas: Various revisions were made to the permit that was issued by the regional office on July 17, 1981. In general, the revisions revised the sequence of bringing the various units of the proposed project on line—the emission limits of the permit were not affected. *Issued:* May 17, 1984.

(B) The "commencement of construction" deadline for the following PSD project was extended by 18 months:

IOWA ELECTRIC LIGHT AND POWER COMPANY, Guthrie County Generating Station, Guthrie County, Iowa: Proposal to construct a new 650-megawatt coal-fired steam electric generating plant, approved by the regional office on October 29, 1982. *Original Deadline:* April 29, 1984. *Revised Deadline:* October 29, 1985. *Issued:* August 6, 1984.

(C) The following NSPS applicability and non-applicability determinations were issued by the regional office:

INTERTHERN, INC., St. Louis, Missouri: The regional office concluded that the company's proposed new furnace coating operation will not be subject to the requirements of 40 CFR Part 60, Subpart SS—Standards of Performance for Industrial Surface Coating: Large Appliances (47 FR 47778).

Issued: July 5, 1984.

NASHUA CORP., Omaha, Nebraska: Since the company's modification of an existing paper coating line resulted in a net emissions increase of volatile organic compounds, the regional office concluded that the modified facility became an affected facility, subject to the requirements of 40 CFR Part 60, Subpart RR—Standard of Performance for Pressure Sensitive Tape and Label Surface Coating Operations. *Issued:* May 29, 1984.

Under § 307(b)(1) of the Clean Air Act, judicial review of any of the above actions is available only by the filing of a petition for review in the appropriate U.S. Circuit Court of Appeals within sixty (60) days of today's notice. Under section 307(b)(2) of the Act, any requirements associated with the above actions may not be challenged later in civil or criminal proceedings that may be brought by the EPA to enforce the requirements.

In the above cases, the appropriate courts are the Eighth U.S. Circuit Court of Appeals (St. Louis, Missouri) for sources in Iowa, Nebraska and Missouri, and the Tenth U.S. Circuit Court of Appeals (Denver, Colorado) for sources

in Kansas. A petition for review must be filed with the appropriate court on or before November 23, 1984.

Copies of the above actions and related information are available for public inspection at the following location: U.S. Environmental Protection Agency, Region VII, Air and Waste Management Division, Air Branch (Room 1414), 324 East 11th Street, Kansas City, Missouri 64106.

Interested individuals may also contact Mr. Charles W. Whitmore at 816/374-6525 (FTS: 758-6525).

Dated: August 30, 1984.

William Rice,

Acting Regional Administrator.

[FR Doc. 84-25221 Filed 9-21-84; 8:45 am]

BILLING CODE 6560-50-M

[ORD-FRL-2669-6]

Finding of No Significant Impact (FNSI) for Demonstration of the USEPA Mobile Incineration System

AGENCY: Environmental Protection Agency.

ACTION: Announcement of FNSI for USEPA Mobile Incineration System.

SUMMARY: In accordance with the requirements of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 et seq.) for the preparation of environmental impact statements, the proposed USEPA action described below has been reviewed.

Project Name: Field demonstration of a mobile system for the detoxification/incineration of hazardous and toxic substances from clean-up operations at uncontrolled hazardous waste sites.

Project Number: USEPA Decision Unit Number: Y-105; Task Number: YEH-004; EPA Contract Number: 68-03-3069.

Project Originator: U.S. Environmental Protection Agency, Office of Research and Development, Municipal Environmental Research Laboratory—Ci Oil and Hazardous Materials Spills Branch Edison, New Jersey 08837.

Project Location: The system will be operated temporarily as a demonstration at hazardous waste sites throughout the country under the direction of the Project Originator.

Project Objective: The objective of the project is to demonstrate and evaluate the USEPA Mobile Incineration System at uncontrolled hazardous waste sites throughout the United States. The system was specifically made mobile to facilitate nationwide use. The USEPA Mobile Incineration System will

complement other mobile treatment systems that have been developed and field demonstrated by the Project Originator at numerous hazardous and toxic waste sites throughout the country.

During emergency remedial situations, the system will be temporarily set up at a hazardous waste site for the on-site thermal destruction or detoxification of liquids and solids contaminated hazardous and toxic organic substances. System operating conditions will be monitored in accordance with the specific requirements of the individual Federal, State, and Municipal permits that will govern the operation of the system at the hazardous waste site. In general, these requirements will include: The analysis of the contaminated materials that are to be incinerated; the continuous monitoring of the system's operation, the combustion process, and the stack gas; and prior to discharge, the temporary storage and subsequent analysis of kiln ash and process water to ensure regulatory compliance. At the conclusion of a cleanup operation, the system will be decontaminated and removed from the site.

Project Background: The continuing discoveries of abandoned hazardous waste sites have increased the resolve of the USEPA to find permanent solutions to the problems of treating and disposing to toxic and hazardous wastes.

Most treatment and disposal methods do not provide the environmental safeguards required by today's regulations. This is especially true for toxic substances containing more than 500 ppm polychlorinated biphenyls (PCBs). The USEPA, through the regulations issued pursuant to the Toxic Substances Control Act (TSCA, 15 U.S.C. 2601 et seq.), specifies high temperature incineration for disposal of PCBs at concentrations in excess of 500 ppm. At present, only five facilities in the United States have USEPA TSCA permits for the commercial incineration of PCB-contaminated (more than 500 ppm) wastes.

High temperature incineration is also an acceptable method for the destruction or detoxification of hazardous substances cited under the Resource Conservation and Recovery Act (RCRA, 42 U.S.C. 6905, 6912(a), and 6924). Incinerators must meet the requirements of the RCRA regulations (40 CFR Part 264, Subpart O) for the disposal of any hazardous substance listed in the regulations. Because of the limited number of USEPA-approved treatment and disposal facilities, highly toxic incinerable wastes from many areas of the United States are

transported great distances to these facilities.

High-temperature incineration and air pollution control technology currently exist and can be applied to destroy many types of toxic and hazardous substances, but the problems associated with the siting of a fixed regional incineration facility and the public apprehension about incineration have limited the use of the technology in the United States.

A promising publicly-acceptable approach for using incineration technology is to provide mobile or transportable incineration systems. These systems can be brought to uncontrolled hazardous waste sites, used to destroy the toxic and hazardous organic substances that are at the site, and then removed from the site. Thus, public objections are reduced since there is neither: (1) The creation of a permanent waste disposal site to which other wastes could be brought, nor (2) the transport of wastes through a community, both of which are concerns of the local citizenry.

The USEPA, through a seven year program, has developed and tested a mobile incineration system to minimize the handling and transporting of hazardous and toxic organic substances and to maximize their safe treatment through on-site thermal destruction. Since the TSCA and RCRA regulations mandate that trial burn tests be conducted in order to demonstrate the performance of incinerators equipped with air pollution control equipment, a series of TSCA/RCRA Trial Burn tests with liquids were performed.

The performance of the USEPA Mobile Incineration System exceeded all requirements under RCRA and TSCA for the destruction of liquid hazardous and toxic substances, including: Combustion, Principal Organic Hazardous Constituents (POHCs) destruction and removal, HCl removal, and particulate removal efficiencies, in a safe manner without negatively impacting the environment or compromising public health and safety. Among the substances successfully incinerated were PCBs and tetrachloromethane, two of the most difficult toxic substances to destroy.

Now that the Trial Burn tests with liquids have been successfully completed, the incinerator will be made available on a nationwide basis to assist Federal and State personnel during remedial environmental responses.

Project Description: The USEPA Mobile Incineration System is designed to detoxify a wide variety of hazardous and toxic organic contaminants in soil, water, or debris. In order to meet the

maximum allowable size and weight restrictions that govern the permit-free interstate transportation of semi-trailers, it was necessary to limit the design capacity of the system for processing solids, liquids, and sludges. The design processing rates, with 20% excess air, are:

Contaminated dry sand: up to 4,100 kg/hr, (9,000 lb/hr); or Contaminated water: up to 680 L/hr, (180 gal/hr); or Contaminated fuel oils: up to 380 L/hr, (100 gal/hr).

The major components of the system are mounted on three heavy duty semi-trailers and one smaller trailer. The trailers are capable of operating at remote locations and are equipped as follows:

Trailer No. 1 is equipped with a control console, solids feeder, liquid and sludge feed ports, and a refractory-lined rotary kiln. The kiln operates with excess air at temperatures up to 1000°C (1800°F) and provides sufficient retention time to detoxify non-incinerable solid materials, which are subsequently collected as inert ash. After being shredded, solid materials are ram fed into the kiln; sludges and viscous fluids are pumped into the kiln; and liquids are atomized using air or steam. During the processing of sludges and solids, residual ash and inert solids are removed continuously from the discharge end of the kiln. Vaporized and partially destroyed toxic components are carried by the exhaust gases through a self-aligning duct into the secondary combustion chamber on Trailer No. 2.

Trailer No. 2 is equipped with a refractory-lined secondary combustion chamber (SCC) designed to operate at 1200°C (2200°F) and to maintain a minimum 2-second gas-stream dwell time with more than 3% excess oxygen. These operating conditions are stipulated under TSCA, which regulates the incineration of PCBs. These conditions are also sufficient to destroy other highly toxic, stable organic substances, including pesticides. The flue gas flows through a venturi nozzle which is used to monitor gas residence time. The SCC gas stream is continuously sampled immediately prior to its passage from the SCC into the system's air pollution control equipment.

Trailer No. 3 consists of air pollution and ancillary equipment which are designed to cool the flue gas and to remove particulate matter and acid gases from the gas stream. The hot flue gas is cooled in a wetted-throat quench elbow, with the excess water being separated in a ground level pump. Fly ash and submicron-size particulate matter, such as phosphorus pentoxide, are removed by a Cleanable High-

Efficiency Air Filter (CHEAF). The gases then pass through a mass-transfer (packed-bed) scrubber where acid gases (HCl, SO₂) are removed. To prevent the leakage of any gaseous or vapor emissions, the entire incineration system is maintained under negative pressure by a diesel-driven induced-draft fan. The cleaned flue gas is released to the atmosphere through a 40-foot high stack.

Trailer No. 4 provides a fully automated gas-sampling and dual analysis system, which incorporates gas-sampling pumps, gas analyzers, calibration gases, automated valves, and microprocessor controllers. The monitoring system continuously draws gas samples from two locations (the SCC exit prior to quenching and the stack); analyzes for O₂, CO₂, CO, SO₂, NO_x, and total hydrocarbons (THC); and prints the results at a computer terminal. The microprocessor controller is connected to the incinerator safety-interlock system and automatically and immediately stops the feeding of hazardous material if the concentration of the monitored components in the flue gas and stack emissions exceed acceptable levels.

An environmental review of the project indicates that the system will have no adverse environmental impacts. Because of the mobile nature of the incineration system, and its temporary installation and brief operation at sites where emergency hazardous conditions already exist, the system will have minimal negative impact at any hazardous waste site in the nation. Consequently, a preliminary decision has been made that an Environmental Impact Statement (EIS) is not necessary for the USEPA Mobile Incineration System. This decision is based on a review of the project plan, supporting documents, and the demonstrated satisfactory performance of the system, which is substantiated by the results of the TSCA/RCRA Trial Burn tests that have already been conducted.

All of the above-mentioned documents, along with an Environmental Assessment, are on file at the USEPA Region II office in New York City and at the USEPA Oil and Hazardous Materials Spills Branch in Edison, New Jersey, where they are available for public review upon request. These documents will also be on file at each USEPA Regional office in the Region where operation of the incinerator is proposed or underway.

DATES: Comments may be submitted to the USEPA. All comments must be received within thirty (30) calendar days of the publication date of this Finding of No Significant Impact (FNSI). Please

address your comments to the Chief, Oil and Hazardous Materials Spills Branch, Office of Research and Development, U.S. Environmental Protection Agency, Edison, NJ 08837. After evaluating any comments received, the USEPA will make a final decision. However, no decision will be made until at least thirty (30) calendar days after the publication date of this FNSI.

FOR FURTHER INFORMATION CONTACT: Mr. James Yezzi, Jr. of the Oil and Hazardous Materials Spills Branch at 201-321-6703.

Dated: August 28, 1984.

Donald J. Ehreth,

Acting Assistant Administrator for Research and Development.

[FR Doc. 84-24191 Filed 9-21-84; 8:45 am]

BILLING CODE 5560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket Nos. 84-841 and 84-842; File Nos. BPCT-830818KG and BPCT-831018KG]

Retherford Publications, Inc. et al.; Memorandum Opinion and Order; Erratum

In the matter of applications of Retherford Publications, Inc. (MM Docket No. 84-841, File No. BPCT-830818KG); Craig Fox, George and Russell Kimble, a partnership d/b/a Jamestown TV Associates (MM Docket No. 84-842, File No. BPCT-831018KG); for construction permit for New TV station, Channel 28, Jamestown, New York.

Released September 13, 1984.

The Memorandum, Opinion and Order in the above entitled proceeding released September 6, 1984, (49 FR 35686, September 11, 1984), is corrected to change the Docket No. for Craig Fox, George and Russell Kimble, a partnership d/b/a Jamestown TV Associates from MM 94-842 to MM 84-842.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-25205 Filed 9-21-84; 8:45 am]

BILLING CODE 6712-01-M

[FCC Nos. 84-422, 84-435, 84-436]

Specialized Mobile Radio Systems Applications in the Chicago, Dallas, and Houston Areas

AGENCY: Federal Communications Commission.

ACTION: Order establishing random selection lottery procedures.

SUMMARY: The Commission has adopted three Memorandum Opinion and Orders

establishing random selection lottery procedures to select from among competing applications for 800 MHz Specialized Mobile Radio Systems in the Chicago, Dallas, and Houston areas. This action was taken to expedite the applications process because there are no substantial, material differences among the competing applications.

FOR FURTHER INFORMATION CONTACT: Jerold Feldman, Private Radio Bureau, (202) 632-7125.

Federal Communications Commission.
William J. Tricarico,
Secretary.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

In the matter of SMRS application in the Chicago, Illinois Area, FCC 84-435.

Adopted: September 12, 1984.

Released: September 18, 1984.

By the Commission Commissioner Quello concurring in the result.

1. On April 16, 1984, the Commission, in accordance with procedures set forth in the Second Report and Order in General Docket No. 81-768, 48 FR 27182 (June 13, 1983), initiated by Public Notice (No. 3504) an expedited paper hearing proceeding to select licensees from among competing applicants for Specialized Mobile Radio (SMR) 800 MHz channels in the Chicago, Illinois area. Only those applications which met the filing requirements as set forth in our *Second Report and Order* in PR Docket No. 79-191, et al., 90 FCC 2d 1281 (1982), are being considered.

2. The Public Notice citing the comparative criteria established in our *Memorandum Opinion and Order* terminating PR Docket No. 79-191, et al., 48 FR 51917 (November 15, 1983), noted that applicants will be awarded comparative points based upon the following:

(1) Applications proposing to expand an existing loaded trunked system will be awarded two comparative points.

(2) Applications proposing to operate a new trunked system will be awarded one comparative point.

(3) Applications proposing to operate a conventional system will be awarded no comparative points.

3. In accordance with Rule 1.221, applicants were required to file a Notice of Appearance and Statement and serve copies on all other applicants within 30 days. The purpose of the information furnished in the statement was to determine each applicant's comparative points. The Public Notice, sent to each applicant by certified mail, stated that an untimely filing of appearance or failure to respond could result in dismissal for failure to prosecute

pursuant to Rules 1.221(c) and 1.961(b). Applicants were given 20 days to submit rebuttals or informal complaints the qualifications or statements of competing applicants.

4. The Public Notice indicated that we would review the information submitted and make a final decision concerning the proper comparative points for each applicant. After the paper proceedings, those applications with the highest number of comparative points would be granted. If sufficient channels were not available to grant all applications with the same number of comparative points, grants in that group would be made in accordance with the Commission's lottery procedures.

5. The Public Notice initiating this proceeding listed 43 applications for SMR stations in the Chicago, Illinois area.¹ Of these applications the following were dismissed for the reasons shown:

Applicant	File No.	Dismissed	Reason for dismissal
J.B. Communications, Inc.	508040	6-19-84	Application for systems within 40 miles of existing station in Chicago, Illinois prohibited by Rule 90.627(h)
Texas Mobile Communications, Inc.	508070	8-27-84	Failure to provide requested qualifying information.

6. The following applications are also dismissed by this order, for the reasons shown:

Applicant	File No.	Reason for dismissal
American Radio Communications, Inc.	508651	Correspondence returned.
Marcel Boulaie, d.b.a. Confidential Communications Co.	508022	Failure to respond.
Wayne E. Healy	508687	Do.
Kokusai Electric Co. of America	509561	Do.
NUR Corporation	509059	Do.
Repeater Rentals	509212	Do.
Scorpion Systems, Inc.	509087	Do.
Sound-Tronics, Inc.	508347	Do.
Upcon, Inc.	509044	Do.

7. Based on the Notices of Appearance and Statements and clarifying information furnished by several applicants pursuant to our request we have determined that, of the remaining applications, one application is assigned two comparative points for proposing to expand an existing loaded trunked system and 31 applications are each assigned one comparative point for

¹ The April 16 Public Notice listed 42 applications. On April 30, 1984, the Commission released a Public Notice (No. 3914) adding an applicant who was omitted from the initial list of participants.

proposing to operate a new trunked system.

8. Consistent with the April 16 Public Notice and the policies and procedures in our *Second Report and Order* in General Docket No. 81-768, *Supra*, and PR Docket No. 79-191, *et al.*, *supra*, applications assigned the highest number of comparative points will be granted without a lottery if there are sufficient channels available to accommodate such applicants. Therefore, the application of Omni Comm (File no. 506640), to add 5 channels to its existing loaded 10 channel SMR system WZH-901 located in Chicago, Illinois will be granted.

9. When spectrum remains available but is insufficient to grant applications which are without substantial, material difference² and which are assigned one comparative point, those applications will be designated for random selection. Since sufficient channels are not available to grant all 31 applications proposing to operate a new trunked system, grants of those applications, which are listed in the attachment, will be made in accordance with the Commission's lottery procedures.³

10. Accordingly, it is ordered, pursuant to section 309(j) of the Communications Act of 1934, as amended, (47 U.S.C. 309(j)) and § 1.972 of the Commission's Rules (47 CFR 972), that a lottery will be conducted to select from among the 31 competing applications for new trunked SMR systems in the Chicago, Illinois area. A Lottery Notice will be issued shortly providing the date and procedures for this random selection process.

William J. Tricarico
Secretary

Applications in the Chicago, Illinois Area

1. ACI Communications, P.O. Box 8154 Merrillville, IN 46410, Chicago, IL, 506636
2. Advanced Communications Systems, 319 Wilson St., W. Chicago, IL 60618, Chicago, IL, 507722
3. Adv. Radio Comm. Services of Florida, Inc., P.O. Box 10, 1700 South Dixie Highway, Boca Raton, FL 33432-0019, Chicago, IL 509230
4. R.W. Brown Electronics Inc., 1280 E. State Street, P.O. Box 334, Sycamore, IL 60178, Plato Center, IL, 507727
5. Capital B Corporation, 303 E. Wacker Drive, Suite 940, Chicago, IL 60601, Chicago, IL, 509224

6. Com/Rad Inc., 1781 Oakton Blvd., Des Plaines, IL 60018, Chicago, IL, 507729
7. Comven, Inc., 2629 N. Scottsdale Rd., Scottsdale, AZ 85257, Batavia, IL, 508142
8. Comven, Inc., 2629 N. Scottsdale Rd., Scottsdale, AZ 85257, Gary, IN, 508143
9. Crescent Cardboard Co., c/o Crescent Communications, 112 East 100 North, Logan, UT 84321, Chicago, IL, 508832
10. John Dittrich, 3624 Emerson Street, Franklin Park, IL 60131, Chicago, IL, 508019
11. Epic Systems, Inc., 1126 Bellwood Ave., Bellwood, IL 60104, Chicago, IL, 509156
12. John J. Gottsman, d/b as, G & S Enterprises, 1021 Stone Canyon Road, Los Angeles, CA 90024, Chicago, IL, 509066
13. Leader Communications, Inc., 3003 W. Madison, Bellwood, IL 60104, Milwaukee, WI, 509116
14. Roy Marsh, Jr., d/b as, Roy Marsh Enterprises, 104 Butlers Court, Comroe, TX 77302, Chicago, IL, 508138
15. Microwave Carphones, Inc., P.O. Box 430016, Houston, TX 77243, Chicago, IL, 508222
16. Jack Miner, P.O. Box 3268, Munster, IN 46321, Chicago, IL, 508742
17. Motorola, Inc., 1270 Fairfield Rd., Gettysburg, PA 17325, Chicago, IL, 507479
18. Motorola, Inc., 1270 Fairfield Rd., Gettysburg, PA 17325, Kenosha, WI, 507508
19. Motorola, Inc., 1270 Fairfield Rd., Gettysburg, PA 17325, Valparaiso, IN, 507512
20. Motorola, Inc., 1270 Fairfield Rd., Gettysburg, PA 17325, Plato Center, IL, 508119
21. Guy P. McSweeney, 3340 Peachtree Rd., NE, Suite 1690, Atlanta, GA 30326, Chicago, IL, 509241
22. Peak Electronics, Inc., 5707 W. Howard St., Niles, IL 60648, Chicago, IL, 507744
23. Richard A. Boulaie, d/b as, Private-Line Communications Co., 4833 W. Country Gables, Glendale, AZ 85306, Chicago, IL, 507750
24. R.W.O. Communications, 715 North Elmwood Drive, Aurora, IL 60506, Aurora, IL, 507519
25. Tactel Systems, Inc., 8325 Old Marlboro Pike, Unit A-13, Upper Marlboro, MD 20772, Chicago, IL, 506188
26. Tele-Communications Radio, Inc., 960 Rand Avenue, Des Plaines, IL 60016, Chicago, IL, 509214
27. Thompson Sales & Service, 2400 West Ridge Road, Gary, IN 46408, Chicago, IL, 507755
28. United States Sugar Corp., Post Office Drawer 1207, Clewiston, FL 33440, Chicago, IL, 509165
- Western Union Telegraph Co., 1 Lake Street, Upper Saddle River, NJ 07458, Milwaukee, WI, 508365
30. Weston Union Telegraph Co., 1 Lake Street, Upper Saddle River, NJ 07458, Chicago, IL, 508775
31. Xentel Corporation, P.O. Box 2066, Burbank, CA 91507, Chicago, IL, 507531

Memorandum Opinion and Order

In the Matter of SMRS Applications in the Dallas, Texas Area, FCC 84-422.

Adopted: September 12, 1984.
Released: September 18, 1984.

By the Commission: Commissioner Quello concurring in the result.

1. On April 16, 1984, the Commission, in accordance with procedures set forth in the *Second Report and Order* in General Docket No. 81-768, 48 FR 27182 (June 13, 1983), initiated by Public Notice (No. 3504) an expedited paper hearing proceeding to select licensees from among competing applicants for Specialized Mobile Radio (SMR) 800 MHz channels in the Dallas, Texas area. Only those applications which met the filing requirements as set forth in our *Second Report and Order* in PR Docket No. 79-191, *et al.*, 90 FCC 2d 1281 (1982), are being considered.

2. The Public Notice, citing the comparative criteria established in our *Memorandum Opinion and Order* terminating PR Docket No. 79-191, *et al.*, 48 FR 51917 (November 15, 1983), noted that applicants will be awarded comparative points based upon the following:

(1) Applications proposing to expand an existing loaded trunked system will be awarded two comparative points.

(2) Applications proposing to operate a new trunked system will be awarded two comparative point.

(3) Applications proposing to operate a conventional system will be awarded no comparative points.

3. In accordance with Rule 1.221, applicants were required to file a Notice of Appearance and Statement and serve copies on all other applicants within 30 days. The purpose of the information furnished in the statement was to determine each applicant's comparative points. The Public Notice, sent to each applicant by certified mail, stated that an untimely filing of appearance or failure to respond could result in dismissal for failure to prosecute pursuant to Rules 1.221(c) and 1.961(b). Applicants were given 20 days to submit rebuttals or informal complaints concerning the qualifications or statements of competing applicants.

4. The Public Notice indicated that we would review the information submitted and make a final decision concerning the proper comparative points for each applicant. After the paper proceedings, those applications with the highest number of comparative points would be granted. If sufficient channels were not available to grant all applications with the same number of comparative points, grants in that group would be made in accordance with the Commission's lottery procedures.

5. The Public Notice initiating this proceeding listed 36 applications for

² 48 F.R. 27182, 27195 (June 13, 1983).

³ There are no substantial, material differences among these applicants since they all propose to operate a new 5 channel trunked SMR system and there are no financial qualifications required for applying for an SMR license. We deem there to be no substantial, material differences among applications which are assigned the same number of comparative points. See *Memorandum Opinion and Order*, Docket No. 18262, 51 FCC 2d 945, 960 (1975).

SMR stations in the Dallas, Texas area.¹ Of these applications the following were dismissed for the reasons shown:

Applicant	File No.	Dis-missed	Reason for dismissal ²
Alliance Fabrication, Inc.	507777	8-22-84	Failure to pursue application.
Patricia Briggs Irby.	507778	8-22-84	Do.
Fred R. Hickman...	507783	8-22-84	Do.
John W. Hughes...	508755	8-22-84	Do.
E.E. Kasper...	507785	8-22-84	Do.
H.J. McGinnis...	507787	8-22-84	Do.
David D. Peters...	507789	8-22-84	Do.
Fred A. Taylor...	508080	8-22-84	Do.

² These eight applications were dismissed when the applicants informed the Commission that they did not wish their applications designated for hearing. (See footnote 3).

6. The following applications are also dismissed by this order, for the reasons shown:

Applicant	File No.	Reason for dismissal
T.L.C., Inc.	507939	Correspondence returned.
Greg S. Cunningham, d.b.a. Telecommunications Leasing Co.	507753	Do.
NUR Corporation	506866	Failure to respond.
Scorpion Systems, Inc.	509088	Do.
Texas Mobile Communications.	508075	Do.

7. Based on the Notices of Appearance and Statements and clarifying information furnished by several applicants pursuant to our request we have determined that the remaining 23 applications are each assigned one comparative point for proposing to operate a new trunked system.³

8. When spectrum remains available but is insufficient to grant applications which are without substantial, material differences⁴ and which are assigned one comparative point, those applications will be designated for random selection. Since sufficient channels are not available to grant all 23 applications proposing to operate a new trunked system, grants of these

¹ The April 16 Public Notice listed 34 applications. On April 30, 1984, the Commission released a Public Notice (No. 3914) adding two applicants who were omitted from the initial list of participants.

² The application of Weldon A. Irby (File No. 507784) is included in this group. However, Irby's application will be designated for hearing if its ranking in the lottery will permit a grant of the application. Irby's application for a new trunked SMR system in Fort Worth, Texas was filed with similar applications for systems at the same transmitter location by Irby's wife, his wife's brother H. J. McGinnis, three corporations of which McGinnis is a principal, four employees of McGinnis, McGinnis' attorney and McGinnis' accountant; in an apparent abuse of the Commission's applications process. Irby was also an employee of McGinnis. All applications have been dismissed prior to or during this proceeding with the exception of Irby's application. Irby has requested a hearing. (See Para. 5).

³ 48 FR 27182, 27195 (June 13, 1983).

applications, which are listed in the attachment, will be made in accordance with the Commission's lottery procedures.⁵

9. According, it is ordered, pursuant to section 309(i) of the Communications Act of 1934, as amended (47 U.S.C. 309(i)) and § 1.972 of the Commission's Rules (47 CFR 1.972), that a lottery will be conducted to select from among the 23 competing applications for new trunked SMR systems in the Dallas, Texas area. A Lottery Notice will be issued shortly providing the date and procedures for this random selection process.

Applications in the Dallas, Texas Area

1. Leroy H. Brorson, Suite 440, 6500 Greenville, Dallas, TX 75206, Dallas, TX, 507728
2. Central Communications & Electronics, Inc., 103 East Pioneer Drive, Irving, TX 75061, Cedar Hill, TX, 509210
3. Circle Communications, 2740 So. Freeway, Fort Worth, TX 76104, Fort Worth, TX, 507781
4. Creative Mobile Communications, P.O. Box 366, Spring, TX 77373, Irving, TX, 509209
5. Decom Systems, Inc., 340 Rancheros Drive, San Marcos, CA 92069, Cedar Hill, TX, 507345
6. Glenn Olsen, d.b.a. Elecom Communications, 4821 N. Hydraulic, Wichita, KS 67219, Fort Worth, TX, 507495
7. John J. Gottsman, d.b.a. G & S Enterprises, 1021 Stone Canyon Road, Los Angeles, CA 90024, Cedar Hill, TX 509067
8. Weldon A. Irby, 1112 Forest Oaks Lane, Hurst, TX 76053 Fort Worth, TX, 507784
9. Jecca Towers, Inc., P.O. Box 1779, Kilgore, TX 75662, Denton, TX, 507499
10. Leader Communications, 3003 W. Madison, Bellwood, IL 60104, Fort Worth, TX, 508779
11. Metro Mobile Communications, Inc., 555 Madison Avenue, New York, NY 10022, Celina, TX, 506591
12. Microwave Carphones, Inc., P.O. Box 430016, Houston, TX 77243, Dallas, TX, 508043
13. Mobil/Comm of Texas, Inc., P.O. Drawer 2367, Jackson, MS 39205 Dallas, TX, 507516
14. Mobile Telephone of America, Inc., 14 S. 41st Place, Phoenix, AZ 85034, Fort Worth, TX, 508289
15. Motorola, Inc., 1270 Fairfield Rd., Gettysburg, PA 17325, White Settlement, TX, 508120
16. Motorola, Inc., 1270 Fairfield Rd., Gettysburg, PA 17325, Dallas, TX, 508127
17. Guy P. McSweeney, 3340 Peachtree Rd., NE, Suite 1690, Atlanta, GA 30326, Dallas, TX, 509219

⁴ There are no substantial, material differences among these applicants since they all propose to operate a new 5 channel trunked SMR system and there are no financial qualifications required for applying for an SMR license. We deem there to be no substantial, material differences among applications which are assigned the same number of comparative points. See *Memorandum Opinion and Order*, Docket No. 18262, 51 FCC 2d 945, 960 (1975).

18. William R. Miller, d.b.a. Russ Miller Communications, 3620 Byers Avenue, Ft. Worth, TX 76107, Arlington, TX, 506699
19. Ralph C. Parker, P.O. Box 2247, Wichita Falls, TX 76307, White Settlement, TX, 507788
20. Ralph C. Parker, Box 2247, Wichita Falls, TX 76307, Attn: Ralph C. Parker, Dallas, TX, 507743
21. Texas Instruments Inc., P.O. Box 225214 M/S 396, Dallas, TX 75265, Dallas, TX, 507754
22. Texas Tower Leasing, Inc., 1801 River Oaks Road, Abilene, TX 79605, Dallas, TX, 508760
23. Western Union Telegraph Co., 1 Lake Street, Upper Saddle River, NJ 07458, Dallas, TX, 508871

Memorandum Opinion and Order

In the matter of SMRS Applications in the Houston, Texas Area, FCC 84-436.

Adopted: September 12, 1984.

Released: September 18, 1984.

By the Commission: Commissioner Quello concurring in the result.

1. On April 16, 1984, the Commission, in accordance with procedures set forth in the *Second Report and Order* in General Docket No. 81-768, 48 FR 27182 (June 13, 1983), initiated by Public Notice (No. 3504) an expedited paper hearing proceeding to select licensees from among competing applicants for Specialized Mobile Radio (SMR) 800 MHz channels in the Houston, Texas area. Only those applications which met the filing requirements as set forth in our *Second Report and Order* in PR Docket No. 79-191, et al., 90 FCC 2d 1281 (1982), are being considered.

2. The Public Notice, citing the comparative criteria established in our *Memorandum Opinion and Order* terminating PR Docket No. 79-191, et al., 48 FR 51917 (Number 15, 1983), noted that applicants will be awarded comparative points based upon the following:

(1) Applications proposing to expand an existing loaded trunked system will be awarded two comparative points.

(2) Applications proposing to operate a new trunked system will be awarded one comparative point.

(3) Applications proposing to operate a conventional system will be awarded no comparative points.

3. In accordance with Rule 1.221, applicants were required to file a Notice of Appearance and Statement and serve copies on all other applicants within 30 days. The purpose of the information furnished in the statement was to determine each applicant's comparative points. The Public Notice, sent to each applicant by certified mail, stated that an untimely filing of appearance or failure to respond could result in dismissal for failure to prosecute

pursuant to Rules 1.221(c) and 1.961(b). Applicants were given 20 days to submit rebuttals or informal complaints concerning the qualifications or statements of competing applicants.

4. The Public Notice indicated that we would review the information submitted and make a final decision concerning the proper comparative points for each applicant. After the paper proceedings, those applications with the highest number of comparative points would be granted. If sufficient channels were not available to grant all applications with the same number of comparative points, grants in that group would be made in accordance with the Commission's lottery procedures.

5. The Public Notice initiating this proceeding listed 55 applications for SMR stations in the Houston, Texas area.¹ Of these applications the following were dismissed for the reasons shown:

Applicant	File No.	Dis-missed	Reason for dismissal
AMPS Mobile Radio, Inc. (formerly Communicators Unlimited).	508330	7-25-84	At its request.
Communication Service Center.	506692	6-1-84	Do.
Roy A. Marsh, III, d.b.a. Roy A. Marsh, III, CPA.	508044	5-7-84	Do.
Heritage Republic Corporation.	508037	8-27-84	Failure to provide requested qualifying information.
J. Patrick Kelley, d.b.a. J. Patrick Kelley & Associates.	508042	8-27-84	Do.

6. The following applications are also dismissed by this order, for the reasons shown:

Applicant	File No.	Reason for dismissal
Fred A. Kapp	508041	Correspondence returned.
Gasco Communications	507462	Failure to respond.
Do	508035	Do.
Industrial Telecommunications Specialists, Inc.	508039	Do.
NUR Corporation	506658	Do.
NUR Corporation	509149	Do.
Scorpion Systems, Inc.	509086	Do.
Tech-Com, Inc.	506158	Do.
Texas Building and Investment Co.	508078	Do.
Texas Mobile Communications.	508071	Do.

7. Based on the Notices of Appearance and Statements and clarifying information furnished by several applicants pursuant to our request we

¹ The April 16 Public Notice listed 54 applications. On April 30, 1984, the Commission released a Public Notice (No. 3914) adding one applicant who was omitted from the original list of participants.

have determined that, of the remaining applications, 36 applications are each assigned one comparative point for proposing to operate a new trunked system and 4 applications are assigned no comparative points for proposing to operate a conventional system.

8. When spectrum remains available but is insufficient to grant applications which are without substantial, material differences² and which are assigned one comparative point, those applications will be designated for random selection. Since sufficient channels are not available to grant all 36 applications proposing to operate a new trunked system, grants of these applications, which are listed in the attachment, will be made in accordance with the Commission's lottery procedures.³

9. Since there are insufficient channels to grant to all applications for new trunked systems, the remaining applications for a conventional system are dismissed by this order.

Applicant	File No.
Susan Dillon, d.b.a. Dillon Two Way Service	508103
Joel E. Klein, d.b.a. Kleinco Communications	508097
SWS Communications	506150
Gregory J. Colson, d.b.a. Texas Industrial Communications	508104

10. Accordingly, it is ordered, pursuant to section 309(i) of the Communications Act of 1934, as amended, (47 U.S.C. 309(i)) and § 1.972 of the Commission's Rules (47 CFR 1.972), that a lottery will be conducted to select from among the 36 competing applications for new trunked SMR systems in the Houston, Texas area. A Lottery Notice will be issued shortly providing the date and procedures for this random selection process.

Applications in the Houston, Texas Area

1. Air Freight Services, Inc., 3082 McKaughan Road, Houston, TX 77205, Houston TX, 508748
2. American "3001" Mobil Telephones, Inc., 13550 Floyd Circle, Dallas, TX 75243, Houston TX, 508016
3. Astro Mobile, Inc., P.O. Box 1207, Natchitoches, LA 71457, Houston TX, 508863
4. Calculator Service Center, Inc., 3506 Chimney Rock, Houston, TX 77027, Houston TX, 506700

² 48 FR 27182, 27195 (June 13, 1983).

³ There are no substantial, material differences among these applicants since they all propose to operate a new 5 channel trunked SMR system and there are no financial qualifications required for applying for an SMR license. We deem there to be no substantial, material differences among applications which are assigned the same number of comparative points. See *Memorandum Opinion and Order*, Docket No. 18262, 51 FCC 2d 945, 960 (1975).

5. Damon R. Capps, 3724 FM 1960 West, Ste. 206, Houston, TX 77068, Houston TX, 508747
6. Comven, Inc., 2629 N. Scottsdale Rd., Scottsdale, AZ 85257, Galveston, TX, 508144
7. Marcel Boulais, d.b.a. Confidential Communications Co., 5346 N. 91st Avenue, Tolleson, AZ 85353, Houston TX, 507688
8. Creative Mobile Communications, P.O. Box 366, Spring, TX 77373, Houston TX, 506235
9. Decom Systems, Inc., 340 Rancheros Drive, San Marcos, CA 92069, Houston TX, 507347
10. Dorsett Radio Service, Inc., Route 6, Box 884, Alvin, TX 77511, Alvin, TX, 508024
11. Jack Evans, d.b.a. Jack Evans Attorney At Law, 3100 Eastside, Suite 210, Houston, TX 77098, Dickenson, TX, 507773
12. Front Range Mobile Communications, Inc., P.O. Box 171024, Arlington, TX 76003, Houston TX, 506895
13. John J. Gottsman, d.b.a. G & S Enterprises, 1021 Stone Canyon Road, Los Angeles, CA 90024, Houston TX, 509064
14. General Electric Radio Services Corp., Mobile Radio Dept., 6501 Loisdale Ct., Ste. 1100, Springfield, VA 22150, Houston TX, 506855
15. H & J Electric Company, P.O. Box 18137, Houston, TX 77023, Houston TX, 508960
16. Houston Galveston Communications, Inc., c/o Rusk Corporation, 511 Lovett Boulevard, Houston, TX 77006, Houston TX, 506714
17. Kenneth E. Klaus, d.b.a. Kenneth E. Klaus Enterprises, 316 Schilling, Baytown, TX 77520, Houston TX, 508805
18. Leader Communications, Inc., 3003 W. Madison, Bellwood, IL 60104, Houston TX, 508763
19. Loomis Radio Communications, Inc., P.O. Box 2383, Houston, TX 77001, Hitchcock, TX, 508757
20. Louisiana Coastal Communications, 129 St. Marguerite Street, Lafayette, LA 70501, Rurel, TX, 508947
21. Lucas Communications, Inc., 4141-B Directors Row, Houston, TX 77092, Houston TX, 506701
22. Roy A. Marsh, Jr., d.b.a. Roy A. Marsh Enterprises, 104 Butlers Court, Conroe, TX 77302, Houston TX, 508045
23. Metro Mobile Communications, Inc., 555 Madison Avenue, New York, NY 10022, Sealy, TX, 506588
24. Mobile/Comm of Texas, Inc., P.O. Box Drawer 2367, Jackson, MS 39205, Stafford, TX, 507514
25. Mobile Telephone of America, Inc., 14 S. 41st Place, Phoenix, AZ 85034, Houston TX, 508286
26. Mobile Telephone Reps, Inc., P.O. Box 721613, Houston, TX 77272, Houston TX, 509190
27. Motorola, Inc., 1270 Fairfield Rd., Gettysburg, PA 17325, Dayton, TX, 508117
28. Motorola, Inc., 1270 Fairfield Rd., Gettysburg, PA 17325, Houston TX, 508121
29. Guy P. McSweeney, 3340 Peachtree Road, Suite 1690, Atlanta, GA 30326, Houston TX, 509242
30. National Tower Trunking Systems, Inc., 600 Kenrick, Suite D-6, Houston, TX 77060, Pelican Island, TX, 508059

31. National Tower Trunking Systems, Inc.,
600 Kenrick, Suite D-6, Houston, TX 77060,
Conroe, TX, 508061
32. Percco, Inc., 1511 Imperial Crown,
Houston, TX 77043, Houston TX, 506155
33. Southwest Medicphone, Inc., c/o Michael
B. Bell & Co., 750 Bering Drive, Suite 101,
Houston, TX 77057, Houston TX, 508340
34. Tactel System, Inc., 8325 Old Marlboro
Pike, Unit A-13, Upper Marlboro, MD
20772, Houston TX, 506209
35. Truman West, 2147 F. M 1960 E, Houston,
TX 77073, Houston TX, 508345
36. Woodard Communications Corp., P.O.
Drawer 7268, Opelousas, LA 70570,
Houston TX, 507797

[FR Doc. 84-25266 Filed 9-21-84; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of Information Collection

Requests for Relief from Reimbursement Under the Truth in Lending Act (OMB No. 3064-0065).

Background

In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF-83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Judy McIntosh, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429, telephone (202) 369-4351.

SUMMARY: The FDIC is requesting an extension of the expiration date to October 1987 of the collection of information from insured state nonmember banks who submit requests for relief from reimbursement to the accounts of customers for violations of the Truth in Lending Act. The current

OMB control number, 3064-00065, expires on November 30, 1984.

Dated: September 18, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson.

Executive Secretary.

[FR Doc. 84-25214 Filed 9-21-84; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Rescinding Portwide Exemptions Granted to the Ports of Searsport, ME; Morehead City, and Wilmington, NC, Pursuant to § 510.33(e) of General Order 4

On August 15, 1984, the Commission adopted Final Rules in Docket No. 84-19, *Licensing of Ocean Freight Forwarders*, revising 46 CFR 510 to implement the Shipping Act of 1984 (46 U.S.C. app. 1701-1720). One of the revisions adopted modified 46 CFR 510.33(e), redesignated as 46 CFR 510.23(e) in the Final Rules, to allow compensation to be paid to a forwarder who requests a carrier or its agent to perform forwarding functions if such carrier or agent is a licensed ocean freight forwarder. With this allowance, the portwide exemption provisions contained in the rules became unnecessary and it was deleted in the Final Rules.

With the deletion of the exemption provision from the rules, the exemptions granted to the ports of Searsport, Maine; Morehead City, North Carolina; and Wilmington, North Carolina have no force and effect. Accordingly, these exemptions are being rescinded.

By a separate notice in connection with Docket No. 82-22, *Notice of Intent to Review Certain Portwide Exemptions Granted Pursuant to § 510.33(e) of General Order 4*, the Commission rescinded all other outstanding exemptions granted.

Therefore, it is ordered, that the portwide exemptions granted to the ports of Searsport, Maine; Morehead City, North Carolina; and Wilmington, North Carolina are hereby rescinded;

It is further ordered, that a notice of this action be published in the *Federal Register*.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84-25252 Filed 9-21-84; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-22]

Rescinding Portwide Exemptions Granted to the Ports of Pensacola, Port Everglades and Tampa, FL Pursuant to § 510.33(e) of General Order 4 and Discontinuance of Proceeding

By notice dated April 14, 1982, the Commission instituted Docket No. 82-22, *Notice of Intent to Review Certain Portwide Exemptions Granted Pursuant to § 510.33(e) of General Order 4*, for the purpose of determining whether portwide exemptions granted by the Commission some seventeen years ago to the ports of Pensacola, Port Everglades and Tampa, Florida were still justified.

The proceeding in Docket No. 82-22 has been held in abeyance pending final action by the Commission on proposed revisions to 46 CFR Part 510 in Docket No. 83-35, *Licensing of Independent Ocean Freight Forwarders*. The proposed revisions under review in Docket No. 83-35 subsequently were incorporated into an interim rule proceeding, Docket No. 84-19, *Licensing of Ocean Freight Forwarders*, which proposed rules to implement the Shipping Act of 1984 (46 U.S.C. app. 1701-1720). The proceeding in Docket No. 83-35 was discontinued by notice served April 24, 1984.

On August 15, 1984, the Commission Adopted Final Rules in Docket No. 84-19. One of the revisions adopted modified 46 CFR 510.3(e), redesignated as 46 CFR 510.23(e) in the Final Rules, to allow compensation to be paid to a forwarder who requests a carrier or its agent to perform forwarding functions if such carrier or agent is a licensed ocean freight forwarder. With this allowance, the portwide exemption provision contained in the rules became unnecessary and it was deleted in the Final Rules.

The issue of whether to continue the portwide exemptions in three Florida ports which is the subject of Docket No. 82-22 has thus become moot. Moreover, with the deletion of the exemption provision from the rules, the exemptions granted to the three Florida ports, identified above, have no force and effect. Accordingly, these exemptions will be rescinded.

By a separate notice, all other outstanding exemptions granted by the Commission will be rescinded also.

Therefore, it is ordered, that the portwide exemptions granted to the ports of Pensacola, Port Everglades and Tampa, Florida are hereby rescinded;

It is further ordered, that Docket No. 82-22 is hereby discontinued;

It is further ordered, that a notice of these actions be published in the **Federal Register**.

By the Commission.
Francis C. Hurney,
Secretary.

[FR Doc. 84-25248 Filed 9-21-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank of Delaware Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 12, 1984.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice

President) 100 North 6th Street, Philadelphia, Pennsylvania 19105;

1. *Bank of Delaware Corporation*, Wilmington, Delaware; to engage *de novo* through its subsidiary, Christina Life Insurance Company, Phoenix, Arizona, in the activity of underwriting, as reinsurer, credit life and credit disability insurance which is directly related to extensions of credit by the credit extending affiliates of Bank of Delaware Corporation. These activities would be conducted in the state of Delaware.

Board of Governors of the Federal Reserve System, September 18, 1984.

William W. Wiles,
Secretary of the Board.

[FR Doc. 84-25198 Filed 9-21-84; 8:45 am]

BILLING CODE 6210-01-M

Barclays Bank PLC and Barclays Bank International Limited; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party

commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 11, 1984.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and *Barclays Bank International Limited*, both of London, England; to acquire Firstmark Corporation, Buffalo, New York, thereby engaging in the operation of a general consumer finance business, including direct installment loans to individuals and the purchase of retail installment notes (sales finance), such as loans made to individuals for personal, family or household purposes, including loans secured by real estate; second mortgage lending; the purchase on a discounted basis of contracts and related security agreements arising principally from the sale by dealers of titled goods (including automobiles and mobile homes) and non-titled goods (including furniture, television sets and appliances, travel trailers and campers, and boat and marine equipment); servicing loans and other extensions of credit for its own account or for the account of others; and related wholesale financing consisting of financing dealers' inventories of automobiles, mobile homes and other chattels. In addition, the activities of the offices will be expanded to include the sale of money orders with a face value not exceeding \$1,000 and travelers checks. This application relates only to certain offices in Indiana (5), Kentucky (2), Ohio (6) and Pennsylvania (4).

Board of Governors of the Federal Reserve System, September 18, 1984.

William W. Wiles,
Secretary of the Board.

[FR Doc. 84-25197 Filed 9-21-84; 8:45 am]

BILLING CODE 6210-01-M

Pikeville National Corp., et al., Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the Offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 12, 1984.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Pikeville National Corporation*, Pikeville, Kentucky; to acquire 100 percent of the voting shares of First Guaranty Bank of Martin, Martin, Kentucky.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Liberty Financial Services, Inc.*, New Orleans, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of Liberty Bank & Trust Company, New Orleans, Louisiana.

C. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *F. and M. Bancorp of Tomah, Inc.*, Tomah, Wisconsin; to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers & Merchants Bank, Tomah, Wisconsin.

2. *Hartwick Bancshares, Inc.*, Hartwick, Iowa; to become a bank holding company by acquiring 70.6 percent of the voting shares of Hartwick State Bank, Hartwick, Iowa.

3. *Whittemore Bancshares, Inc.*, Whittemore, Iowa; to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers State Bank, Whittemore, Iowa.

D. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Jock's Fork Bancorporation, Inc.*, Columbia, Missouri; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Mountain View, Mountain View, Missouri, and by acquiring Summerville Bancshares, Inc., Summerville, Missouri,

and indirectly acquiring Summerville State Bank, Summerville, Missouri.

E. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Union Bancorp.*, Denver, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of First Union National Bank of Colorado, Denver, Colorado.

Board of Governors of the Federal Reserve System, September 18, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-25195 Filed 9-21-84; 8:45 am]

BILLING CODE 6210-01-M

Woodstock Holding Co., Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 17, 1984.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice president) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Woodstock Holding Company, Inc.*, Woodstock, Vermont; to become a bank holding company by acquiring 100 percent of the voting shares of The Woodstock National Bank, Woodstock, Vermont.

B. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Garden State Bancshares, Inc.*, Jackson, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of Garden State Bank, Jackson, New Jersey.

C. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Kentucky Bancorporation, Inc.*, Covington, Kentucky; to merge with Northern Kentucky Bancshares, Inc., Covington, Kentucky, thereby indirectly acquiring Falmouth Deposit Bank, Falmouth, Kentucky; and to merge with Kentucky National Corporation, Covington, Kentucky, thereby indirectly acquiring Kentucky National Bank, Walton, Kentucky.

D. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First State Corporation*, Albany, Georgia; to acquire 100 percent of the voting shares of First State Bank in Cordele, Cordele, Georgia.

E. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Brazos Valley Bancshares, Inc.*, Bryan, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Western National Bank, Bryan, Texas.

2. *Huntington Bancshares, Inc.*, Huntington, Texas; to acquire 72 percent of the voting shares of Eastex Bancshares, Inc., Lufkin, Texas, thereby indirectly acquiring Angelina National Bank, Lufkin, Texas.

Board of Governors of the Federal Reserve System, September 18, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-25196 Filed 9-21-84; 8:45 am]

BILLING CODE 6210-01-M

THE COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, October 16, 1984 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, NW.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 566-1066.

Dated in Washington, D.C. September 17, 1984.

Charles H. Atherton,
Secretary.

[FR Doc. 84-25238 Filed 9-21-84; 8:45 am]

BILLING CODE 6330-01-M

GENERAL SERVICES ADMINISTRATION

Office of the Administrator

Advisory Board; Meeting

Notice is hereby given that the General Services Administration (GSA) Advisory Board's subcommittee on Organization and General Management will meet on October 3, 1984 from 9:00 a.m. to 3:30 p.m. in Room 6120, 18th and F Streets, NW., Washington, D.C. This meeting shall be open to the public.

The meeting will be devoted to a review of GSA's plan to address the telecommunications requirements of Federal agencies.

Questions regarding this notice may be directed to Mr. James Dean on (202) 566-0382.

Dated: September 18, 1984.

Thomas J. Simon,
Director of Program Initiatives.

[FR Doc. 84-25206 Filed 9-21-84; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

Child Support Enforcement Research and Demonstration Interstate Grants Availability of Fiscal Year 1985 Funds

The Acting Director of the Office of Child Support Enforcement (OCSE) gives notice of the availability of Fiscal Year 1985 funds for projects in the area of interstate child support processes. Funding for grants is authorized under section 8 of Pub. L. 98-378. In accordance with section 45(e)(4) of the Social Security Act (the Act) as amended by section 8 of Pub. L. 98-378, amounts expended by a State in carrying out a project funded under this grant program will be considered as part of the grantee State's administrative expenditures of purposes of calculating incentive payments under this section.

There will be three funding cycles for FY 85. The closing date of grant applications for the first cycle will be November 30, 1984; the second closing date is March 29, 1985; and the third closing date is July 31, 1985. Approved projects received during any one cycle may be held for funding during the next review cycle or until the next fiscal year. It is anticipated that grant awards will be issued within 90 days of the closing date for grant applications.

Program Purpose

Grants funded by OCSE under the Interstate Program are for research and demonstration projects which will add to existing knowledge and promote improvements or new methods and techniques in the area of interstate child support operations.

Program Goals

In general, OCSE intends to support the following types of projects through the Interstate grants program:

- (1) Those which encourage States to develop efficient and effective ways of handling interstate cases;
- (2) Those which augment and improve existing State efforts to pursue and respond to interstate efforts. Funds from this program are not available to supplant current State and local funding efforts;
- (3) Those which develop, test, implement, and demonstrate new or innovative methods of interstate case processing;
- (4) Those which show a high promise of ready transferability to other States and of producing verifiable knowledge of demonstration results through definitive evaluation.

Program Priorities for Research and Demonstration Funding

Research and demonstration projects will be directed toward broadly stated priorities derived from the administration of interstate child support processes. OCSE has identified priorities which reflect the major aims of the program's interstate processes.

Applicants may also submit proposals for projects not specifically identified in this announcement but which are relevant to OCSE interstate goals. Such proposals will compete for funding with those submitted for the priority areas listed below.

Program Priorities for Interstate Grants

Interstate grant applications should emphasize the development of innovative techniques that can eventually be generalized to the entire caseload. As a matter of general policy, OCSE intends to encourage

experimentation and demonstration of ways of handling interstate cases in such a manner that they are integrated into the normal handling of a State's IV-D caseload. Examples of interstate program priorities are the following:

I. Development of innovative techniques in processing interstate cases such as:

A. Innovative communication techniques to include teleconferencing, electronic mail and other electronic means of moving informations from one jurisdiction to another;

B. Interstate tracking and monitoring systems;

C. Staffing patterns for interstate case processing: Experimentation with combinations of specialization vs. generalization of the interstate function.

II. Development of innovative techniques for child support collections in interstate cases, especially in the area of application of mandatory procedures such as wage withholding. Also of interest are:

- A. Use of credit reporting Agencies;
- B. Use of property liens;
- C. User fees;
- D. Tax refund offset.

III. Development of ADP and interstate systems components such as:

- A. Clearing houses for the centralization of multi-state data bases;
- B. New data bases for interstate use.

Note:—OCSE does not contemplate funding for the purchase of ordinary computer hardware which would be authorized under the 90-10 program.

IV. Development of innovative paternity establishment techniques in interstate cases such as methods for lowering the cost or increasing the use of parentage testing laboratories on a regional basis.

V. Other program ideas with an explicitly interstate focus will be entertained for funding.

Applications should contain plans for comprehensive evaluation of the results of the demonstration. OCSE will also entertain plans for dissemination of results of the evaluation and lessons learned from the demonstration, as well for an initial planning and research module, as long as these lead logically to demonstrations. These efforts can be planned as multi-year projects.

Eligible Applicants

Grants are to be awarded to the State agency responsible for administering the IV-D program. The IV-D agency can enter into cooperative arrangements with other State agencies within the State (e.g., Attorney General, State court system, etc.) but the grant recipient will

remain responsible for financial and program management of the grant, reports, auditing, and other normal grant functions. Applicants can also subcontract with private contractors for performance of work proposed in the grant application, in accordance with DHHS Regulation 45 CFR, Part 74.

In addition to applications made by individual State agencies proposing to experiment with their own internal procedures for processing interstate cases, proposals may include demonstrations which involve one or several other State IV-D agencies. These proposals will require that the applicant State IV-D agency retain responsibility for the proper administration of the grant. Such applications must come from a single lead State that will assume the responsibilities of the grantee for tracking, monitoring, auditing, reporting and other grant administrative functions. These applications should contain explicit information on the activities and responsibilities of each of the participating States and a detailed budget for each State. The application should show evidence of agreement of each of the participating State in the grant activity.

Availability of Funds

It is anticipated that up to \$7 million will be available for funding interstate grants in FY 1985. For planning purposes, OCSE anticipates awarding 15-20 grants ranging from \$350,000 to \$465,000 each. The amounts of the grants may vary according to the scope and merit of the individual application and are quoted as projected averages for the first year of the program.

Waivers

Waivers of certain provisions of Title IV-D of the Social Security Act may be granted for the conduct of these demonstrations. The requests for such waivers must be included in the grant proposal.

The Application Process

1. *Availability of application forms.* Application kits containing the prescribed application forms and related documents are available from: Social Security Administration, Division of Contracts and Grants Management, OMBP, Grants Management Branch, 1-C-1 Dogwood West Building, 1848 Gwynn Oak Avenue, Baltimore, Maryland 21207. Telephone: (301) 594-0284, Lawrence H. Pullen, Chief, Grants Management Branch.

2. *Application submission.* To be considered for a grant award, all

applications must be submitted on standard forms provided by the Division of Contracts and Grants Management. The application shall be executed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant.

3. *Application consideration.* Applications are initially screened for relevance to interstate child support concerns. Irrelevant applications are returned to the applicant. Relevant applications are reviewed and evaluated by a review panel of not less than three persons.

4. *Application approval.* Following approval of the applications selected for funding, financial assistance awards will be issued within limits of Federal funds available. The official grant document is the Notice of Grant Award. It provides the amount of funds awarded, the purpose of the award, the budget period for which support is given, the terms and conditions of the award, the total project period for which support is contemplated, and the total grantee financial participation.

5. *Additional information.* For questions concerning project development please contact John K. Maniha, Office of Child Support Enforcement, Room 931A, 6110 Executive Boulevard, Rockville, MD 20852, (301) 443-2980.

Criteria for Review and Evaluation of Applications

Applications will be reviewed and evaluated by a review panel against the following criteria:

1. *Project Design and Evaluation Methodology.* Feasibility and coherence of the project design and the quality of its evaluation component. (30 points);

2. *Knowledge.* Knowledge about possible alternative solutions to interstate problems, background presentation material, statement of the problem, and general grasp of the proposed solution. (10 points);

3. *Innovation.* Degree to which the application shows evidence of breaking new ground or presenting new solutions to interstate case problems. (25 points);

4. *Relevance and Applicability.* Relevance of proposal to OCSE's interstate priorities and goals, the degree to which the proposed solution could be transferred to other States. Does the application make sense and can it be done? (20 points);

5. *Personnel, Budget, and Facilities.* Availability and competence of specific kinds and numbers of experienced personnel. Is the project cost effective? Are the costs reasonable and adequately described considering the

anticipated results? Are the applicant's facilities and resources adequate? (15 points).

Closing Dates and Times

For Fiscal Year 1985 projects the closing dates are November 30, 1984; March 29, 1985; and July 31, 1985. Any application not received by the closing date for a specific funding cycle will be held over to the next funding cycle.

Applications may be mailed or hand delivered to: Social Security Administration, Division of Contracts and Grants Management, OMBP, Grants Management Branch, 1-C-1 Dogwood West Building, 1848 Gwynn Oak Avenue, Baltimore, MD 21207.

Hand delivered applications are accepted during normal working hours of 8:30 a.m. to 5:00 p.m., Monday through Friday, on or prior to the established closing dates.

An application will be considered to be received on time if sent on or before the closing date as evidenced by a legible U.S. Postal Service postmark or a legibly dated receipt from a commercial carrier. Private metered postmarks will not be considered acceptable as proof of timely mailing. Applications submitted by any means other than through the U.S. Postal Service or commercial carrier shall be considered as acceptable only if physically received at the above address before close of business on or before the deadline date. Applications not received by the deadline date of one cycle of funding will be held for review during the next cycle.

Executive Order 12372—Intergovernmental Review of Federal Programs

These grant activities are not covered by the requirements of Executive Order 12372 relating to the Federal policy for consulting with State and local elected officials in proposed Federal financial assistance.

Dated: September 13, 1984.

Martha A. McSteen,
Acting Director, Office of Child Support Enforcement.

[FR Doc. 84-25347 Filed 9-21-84; 8:45 am]
BILLING CODE 4190-11-M

Food and Drug Administration

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public

advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meeting: The following advisory committee meeting is announced:

Arthritis Advisory Committee

Date, time, and place. October 25 and 26, 9 a.m., Wilson Hall, Building 1, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, October 25, 9:15 a.m. to 10:15 a.m.; open committee discussion, October 25, 10:15 a.m. to 5 p.m.; October 26, 9 a.m. to 3 p.m.; David F. Hersey, Center for Drugs and Biologics (HFN-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4695.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of arthritis.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the contact person.

Open committee discussion. On October 25, the committee will discuss consideration of revised labeling for phenylbutazone and oxyphenbutazone; and consideration of other drugs for "not for initial use labeling." On October 26, the committee will discuss consideration of approvability of auranofin.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public

hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings. This guideline was published in the Federal Register of April 13, 1984 (49 FR 14723). These procedures are primarily intended to expedite media access to FDA's public proceedings, including hearings before a public advisory committee conducted pursuant to Part 14 of the agency's regulations. Under this guideline, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including the presentation of participants at a public hearing. Accordingly, all interested persons are directed to the guideline, as well as the Federal Register notice announcing issuance of the guideline, for a more complete explanation of the guideline's effect on public hearings.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: September 18, 1984.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 84-25203 Filed 9-21-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84N-0299]

Availability of Final Report to the Commissioner From the Agency Steering Committee on Animal Welfare Issues

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the final report to the Commissioner of Food and Drugs from the Agency Steering Committee on Animal Welfare Issues. The report presents findings and makes recommendations on agency animal welfare issues.

ADDRESS: Single copies of the report are available from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Allen H. Heim, Office of Science Coordination (HF-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1587.

SUPPLEMENTARY INFORMATION: To clarify requirements for acute toxicity testing, FDA held a public workshop on November 9, 1983, to review and discuss the toxicology and scientific basis for acute studies (48 FR 46855; October 14, 1983). At this workshop, FDA announced the formation of the Agency Steering Committee on Animal Welfare Issues (the Committee). The Committee was charged with addressing the following five issues:

(1) Are FDA procedures so ordered as to obtain the maximum amount of useful scientific information while utilizing the fewest number of animals?

(2) Do FDA procedures in any way indirectly stimulate the perpetuation of the LD₅₀ test even though the agency no longer directly requires the use of this test?

(3) Is FDA making the maximum use of and encouraging the continued development of reliable in vitro alternatives to in vivo methodologies?

(4) Are mechanisms in place to ensure continuing compliance with the Animal Welfare Act and with the highest standards of animal care?

(5) Is the historical usefulness of animal testing in human health

protection, the primary mission of FDA, properly appreciated by our constituents?

The report contains the findings and recommendations of the Committee and is available to the public on request. The Commissioner agrees with the findings and recommendations.

Copies of the final report of the Agency Steering Committee on Animal Welfare Issues may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. Requests for copies may be sent to the Dockets Management Branch and should be identified with the docket number found in brackets in the heading of this document.

Dated: September 18, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-25204 Filed 9-21-84; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Health Resources and Services Administration; Plan for the Review of Qualification Standards for Indians in the Excepted Service in the Indian Health Service.

Notice is hereby given that the Department has established a Steering Committee to review the qualification standards for all positions in the Indian Health Service (IHS) and to recommend qualification standards for Indians who apply for jobs in the Excepted Service in IHS. This review is required as a result of the decision by the United States Court of Appeals for the Ninth Circuit in *Preston v. Heckler*, 734 F.2d 1359 (9th Cir. 1984). The Steering Committee has developed a plan to implement the Court's decision. The plan includes the identification of a limited number of occupations which will be evaluated as part of a pilot study. The results of the study will be used to determine the process and the schedule that will be followed for the evaluation of the qualification standards for the remaining positions in IHS. The occupations selected for the pilot study are: GS-610, Community Health Nursing; GS-185, Social worker; and GS-681, Dental Assistant.

A full copy of the plan is attached.

Dated: September 17, 1984.

Thomas S. McFee,
Assistant Secretary for Personnel
Administration.

Plan for the Review of Qualification Standards for Indians in the Excepted Service

Background

On June 7, 1984, the United States Court of Appeals for the Ninth Circuit issued a decision on the appeal regarding the *Preston* Case from the United States District Court for the District of Alaska in favor of the plaintiff. The Court of Appeals agreed with the District Court that the Indian Preference Act "requires the Secretary to adopt standards for evaluating the qualifications of Indians¹ for employment in the Indian Health Service that are separate and independent from the generally applicable civil service standards," and "give sufficient weight to the unique experience and background of Indians, including their superior knowledge of Indian needs and problems."

The decision requires the Department to establish qualification standards for Indians who apply for jobs in the Excepted Service in the Indian Health Service (IHS). Positions in the IHS are considered Excepted Service when they are filled under 5 CFR 213.3116(b)(8) by Indians entitled to Indian preference. Excepted appointments are not subject to the Competitive Service appointment requirements established by the U.S. Office of Personnel Management.

On July 9, 1984, the Assistant Secretary for Personnel Administration (ASPER) issued a memorandum establishing a Steering Committee under Public Health Service (PHS) leadership to develop, implement and oversee the review of qualifications standards for occupations in IHS. The Bureau of Indian Affairs (BIA) has agreed to participate in the development of qualification standards for series common to both organizations.

Purpose

To set forth a procedure to review qualification standards for occupations in the IHS and to develop qualification standards as appropriate. The qualification standards will apply to Indians appointed to positions under 5 CFR 213.3116(b)(8).

Objectives

The Court, in the *Preston* Case Decision, provides the following objectives:

¹ Includes Indians and Alaska Natives eligible for Indian preference.

"* * * ensuring that health services provided to Indians are of the highest quality."

"* * * To adopt standards for evaluating the qualifications of Indians for employment in the Indian Health Service that are separate and independent from the generally applicable civil service standards."

"* * * [To ensure that qualifications standards used in evaluating Indians for employment under cited authority]" give sufficient weight to the unique experience and background of Indians, including their superior knowledge of Indian needs and problems."

"* * * [To determine occupations in which it is appropriate to require experience which is] practical rather than academic * * * [inasmuch as] it is the practical aspects that the statute addresses when it requires separate qualifications for Indians."

Method

Occupational series currently existing in IHS will be reviewed by work groups through the process established by the Steering Committee in this document. Series in which there are presently ten or more incumbents will be reviewed first.

A. Steering Committee will:

1. Provide leadership to develop, implement, and oversee the review of qualification standards for occupations in IHS.
2. Consist of Federal employees appointed by ASPER. The Steering Committee will invite representatives of Indian organizations or others to attend its meetings.
3. Develop criteria, guidelines, and methodology to apply to each standard during the review process including:
 - a. Material to be reviewed.
 - b. Instructions/training/orientation of work groups (options and limitations).
 - c. Documentation and report requirements.
 - d. Schedule of activities.
 - e. Coordination of publication of Federal Register notice.
4. Identify priorities for review of qualification standards.
5. Establish work groups and assign to them responsibility for one or more series. There will be only one work group for each series.
6. Determine function and composition of work groups, ensuring the greatest possible Indian membership.
7. Provide continuing guidance to the work groups on assigned tasks.
8. Establish and monitor the review and comment process, assuring involvement of tribes, Indian organizations, professional groups,

unions, IHS management, Regional and IHS Area personnel staffs, etc.

9. Review findings of the work groups using appropriate resources and accept, reject or modify work group findings.

10. Make recommendations for each occupation reviewed.

11. Provide progress reports as necessary.

B. Work Groups will:

1. Under the overall direction of the Steering Committee, review current qualification standards for the job series assigned to them and submit to the Steering Committee written recommendations on what, if any, changes should be made to the standards which will help assure that the Department can continue its efforts to provide quality health service to the Indian people while meeting all the requirements of the Indian Preference Act.

2. Consist of at least three members, but no more than five. Membership must include at least one subject matter expert with a working knowledge of the occupation and one personnelist knowledgeable about the knowledges, skills, and abilities (KSA) job analysis methodology. To the extent possible, work groups will include Indian employees.

3. Be established by occupational category (e.g., 100, 200, 300, 400, etc.) or individual series, where appropriate.

4. Ensure adequate involvement of tribes, Indian organizations, professional groups, unions, IHS management, Regional and IHS Area personnel staffs, etc.

5. Perform job analysis for assigned series.

6. Solicit and analyze written comments from appropriate sources.

a. Prepare a listing of sources contacted.

b. Prepare a summary of comments received.

c. Submit copies of the written request for comments and all comments received in response to that request.

7. Complete Criteria for Review of Qualification Standards (Attachment 1) for assigned series and report findings for each series to the Steering Committee.

8. Prepare a report of findings and a recommendation to accept or modify existing qualification standards. Report must include a completed copy of the Criteria for the Review of Qualification Standards (Attachment 1) and a Certification by Members of Work Group (Attachment 2) showing concurrence or non-concurrence of each member in the final report. Non-concurrences should be accompanied by an explanation.

9. Provide additional information to Steering Committee as necessary.

C. Schedule.

	Target date	Completion date
1. Assistant Secretary for Personnel Administration establish Steering Committee and appoint Chairperson.	July 9, 1984	July 9, 1984.
2. Director, IHS notify IHS management officials of the Department's plans for implementation of the Preston Case Decision.	July 20, 1984	July 13, 1984.
3. Chairman, Steering Committee convene Steering Committee meeting to develop process and criteria for review of qualification standards.	July 11 to 13, 1984	July 13, 1984.
4. Steering Committee develop draft planning document for the review of qualification standards.	July 11 to 13, 1984	July 13, 1984.
5. Chairman, Steering Committee distribute draft Planning Document and Criteria for Review of Qualification Standards for review and comment including to National Indian Organizations.	July 20, 1984	July 16, 1984.
6. Comments due to Steering Committee.	Aug. 10, 1984	Aug. 10, 1984.
7. Steering Committee review and consider comments and finalize Planning Document and Criteria for Review of Qualification Standards.	Aug. 20 to 21, 1984	Aug. 21, 1984.
8. Steering Committee prepare draft of general notice for publication in FEDERAL REGISTER.	Aug. 31, 1984	Aug. 28, 1984.
9. Steering Committee identify occupational groups for pilot study.	Sept. 4, 1984	Aug. 21, 1984.

	Target date	Completion date
10. Director, IHS request assistance from IHS management in identifying work group members for pilot.	Sept. 4, 1984	Sept. 6, 1984.
11. Publish notice in FEDERAL REGISTER.	Oct. 1, 1984	
12. Steering Committee establish pilot work groups, designate Chairperson, and make series assignments for each work group.	Oct. 1, 1984	
13. Steering Committee train, orient, and provide guidance to pilot work groups and discuss process for reviewing qualification standards.	Oct. 19, 1984	
14. Chairmen, pilot work group convene pilot work groups for review of qualification standards.	Oct. 25, 1984	
15. Chairman, pilot work groups report findings and recommendations to Steering Committee.	Feb. 15, 1985	
16. Steering Committee review findings of pilot work groups.	Mar. 15, 1985	
17. Steering Committee recommend appropriate action for each series reviewed by pilot work groups and appropriate implementation of the decision.	Mar. 29, 1985	
18. Steering Committee prepare as necessary, modified standards for pilot occupations and submit to Director, IHS for approval.	Apr. 30, 1985	
19. Director, IHS approve standards and submit to ASPER for concurrence.	May 17, 1985	
20. ASPER concur on standards.	May 31, 1985	

	Target date	Completion date
21. Steering Committee evaluate and modify process for review of qualification standards as necessary.	(1).....	(1).....
22. Steering Committee establish schedule for review of remaining occupational groups and series.	(1).....	(1).....
23. Carry out steps 12 through 17 for remaining occupational groups and series.	(1).....	(1).....
24. Steering Committee prepare, as necessary, modified standards for other series and submit to Director, IHS for approval.	(1).....	(1).....
25. Director, IHS approve standards and submit to ASPER for concurrence.	(1).....	(1).....
26. ASPER concur on standards.	(1).....	(1).....

¹ Dates to be established on basis of experience with pilot study.

D. Resources.

1. Human Resources include:
 - a. Representatives of Indian Tribes and Indian organizations.
 - b. United States Office of Personnel Management Native American Assistance Program.
 - c. Headquarters, Regional and Area Personnel Office Staffs.
 - d. IHS Professional Coordinators (Headquarters).
 - e. Area Program Consultants.
 - f. IHS Managers and Specialists.
 - g. Professional Organizations.
 - h. Anthropologists and/or other scholars versed in Indian culture, background, experience, and unique characteristics.
2. Reference Materials include:
 - a. Requirements of accreditation/licensure/registration/certification organizations.
 - b. Classification Standards.
 - c. Qualification Standards.
 - d. Position Descriptions.
 - e. Literature concerning occupations.
 - f. Performance Rating Plans.
 - g. Training materials, if available.
 - h. Anthropological and other studies on Indian culture, background, experience, and unique characteristics.
 - i. Federal Personnel Manual Supplement 335-1.

Attachment 1

Criteria for Review of Qualification Standards

Title of Occupation: _____
Series: _____

A. Using Classification Standards, Position Descriptions, and Performance Plans as a Basis

1. Determine and list the major tasks for each occupation.
2. Determine and list the knowledge, skills, and abilities (KSAs) needed to perform each of the major tasks.
3. Determine and list for each KSA, on a preliminary basis, how it can be acquired (e.g., formal education or training, job related experience, other kinds of practical experience, unique Indian experience and background, etc.).

B. Using U.S. Office of Personnel Management (USOPM) Qualification Standards for Positions Under General Schedule, X-118 (or USOPM Job Qualification System for Trades and Labor Occupations, X-118C) and the results of A. Above as a Basis

Are the *lengths* of experience in this qualification standard reasonable, i.e., would less experience be acceptable at any of the grade levels, or is more experience necessary at any grade level?¹

If more or less experience is necessary at any grade level, specify affected grade levels and amount of experience that should be required and state why, in relation to actual job performance.

Should some kinds of experience, especially that unique to Indian people, be given more credit in evaluating length of experience?

2. In addition to the *kinds* of experience currently shown in the standards, are there other kinds of practical experience, including that unique to Indian people, which would enable an individual to satisfactorily perform in this occupation in the IHS?

If so, provide examples of experience which you consider qualifying and state why.

3. Are there any *kinds* of experience currently in the standard that should be deleted (i.e., they are not necessary for satisfactory performance in this occupation in the IHS)?

If yes, specify what could be deleted and why.

4. Does the standard specify required *levels* of experience (e.g., experience at a certain grade level)?

¹ Does not apply to wage grade occupations covered by X-118C, inasmuch as the X-118C is based on a job element rating process.

If so, should these be modified or deleted?

Why or why not?

If there are no levels currently in the standards, should they be required?

If yes, specify what should be required and why.

5. Are there any *recency* of experience requirements in this standard?

If so, are they appropriate for application to Indian candidates in the IHS?

Why or why not?

If there are not currently any recency of experience requirements in this standard, are there any appropriate for application to Indian candidates in the IHS that should be added to the standard? If so, explain why.

6. Are there positive *education* requirements in this qualification standard?¹

If so, can practical experience, including that unique to Indian people, be substituted for all or some of the academic requirements?

If yes, what kinds of practical experience, not presently included, could be substituted in filling jobs in IHS, and in what amounts for what grade levels?

7. Are there other kinds of education or training, including that unique to Indian people, which would enable an individual to satisfactorily perform in this occupation in IHS?

If yes, what are they?

8. Is the amount of education which may be substituted for experience reasonable, i.e., would less education be acceptable at any of the grade levels, or is more education necessary at any grade level?¹

If more or less education is necessary at any grade level, specify affected grade levels and amount of education that should be required and state why, in relation to actual job performance.

Should some kinds of education, especially that unique to Indian people, be given more credit in the substitution for experience?

9. Is there any kind of education requirement or substitution of education for experience provision currently in the standard that should be deleted for jobs in IHS?¹

If so, specify what should be deleted and why.

10. Are there licensure/certification/registration/apprenticeship requirements in this standard?

If so, are these requirements appropriate for application to Indian candidates in the IHS?

Why or why not?

If there are not currently any such requirements in this standard, are there

any appropriate to IHS that should be added to the standard?

If so, explain why.

11. Does the standard currently require a written test?

If so, should the requirement be deleted?

Why or why not?

If there is no written test currently in the standard, should one be required?

If yes, explain what kind of written test should be required and why.

12. Does the standard currently require a practical examination?

If so, should the requirement be deleted?

Why or why not?

If there is no practical test currently in the standard, should one be required?

If yes, specify what type of skills or knowledges should be tested, and how they should be tested.

13. Could a practical examination be substituted for other requirements (e.g., experience, education, etc.)?

If so, give examples and explain why.

14. Are the physical requirements in the standard appropriate for the occupation?

If so, give examples and explain why.

14. Are the physical requirements in the standard appropriate for the occupation?

If not, explain.

C. Other Considerations

1. Are there accrediting body standards or requirements for the IHS facilities (e.g., professional, hospital) which should be considered in establishing qualification requirements for this occupation?

If yes, what are they?

If yes, are they appropriate for application to Indian candidates in the IHS?

Why or why not?

2. If the work group is recommending any changes in the qualification standard that would credit additional experience, training or education for Indians, what methods are most appropriate for obtaining and evaluating evidence that an Indian applicant possesses these new factors?

3. If different knowledge requirements are established for this occupation, will that affect classification (i.e., will it affect the grade level of duties that incumbents are able to perform)?

If yes, explain.

4. Are there Indian cultural characteristics, not previously covered, which need to be considered in determining if an individual qualifies to perform successfully in this occupation?

If so, give examples and explain why.

D. Draft Qualification Standard

If the work group has identified any changes that are needed in the standard, please attach a draft of the modified standard. (To the extent possible, use the same format as the X-118 or X-118C.)

Attachment 2

Certification by Member of Work Group

Final Report On:

Title of Occupation: _____

Series: _____

Chairperson: _____

[Name and Title (Typed or printed)]

Concur

(Check One)

Chairperson: _____

Signature and Date Yes No

Other members: _____

Name and Title (Typed or printed)

Signature and Date Yes No

Name and Title (Typed or printed)

Signature and Date Yes No

Name and Title (Typed or printed)

Signature and Date Yes No

Name and Title (Typed or printed)

Signature and Date Yes No

Note.—If there are non-concurrences, provide the reasons in writing and attach a copy to this form.

[FR Doc. 84-25201 Filed 9-21-84; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT DEIS 84-52]

Availability of the Draft Wilderness Environmental Impact Statement for Southern Lincoln and Northeastern Clark Counties, NV

AGENCY: Bureau of Land Management (BLM), U.S. Department of the Interior.

ACTION: Notice of Availability of the Draft Environmental Impact Statement for Wilderness Study Areas: Southern Lincoln and northeastern Clark Counties, Nevada.

SUMMARY: Pursuant to Section 603 of the Federal Land Policy and Management Act of 1976 and section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM Las Vegas District has

prepared a Draft Environmental Impact Statement (DEIS) on proposed wilderness suitability recommendations for Wilderness Study Areas (WSAs) in southern Lincoln and northeastern Clark Counties, Nevada.

SUPPLEMENTARY INFORMATION: The Caliente Wilderness DEIS analyses the potential effects of designating or not designating all or portions of five Wilderness Study Areas, totaling 588,423 acres, as wilderness. The goal of this analysis is to recommend for wilderness designation those areas where wilderness is determined to be the most appropriate use of the land and its resources. This analysis involved evaluation of the potential manageability of wilderness, accessibility of identified mineral values for exploration and development, and the enhancement and development of such resource values and uses as wildlife habitat, recreation, livestock grazing, cultural resources, utility corridors, and others.

The recommendations made in the Draft EIS are not final decisions. Following the public comments on the DEIS, a final EIS and recommendations will be prepared for the signature of the Secretary of the Interior, and submitted through the President to Congress for final decision on which areas will be designated into the National Wilderness Preservation System.

Prior to final recommendation by the BLM, a mineral survey will be conducted by the U.S. Geological Survey and U.S. Bureau of Mines on those lands preliminarily recommended suitable for wilderness designation.

The following Wilderness Study Areas are evaluated in the Caliente Wilderness DEIS:

	Acres
Clover Mountains (Grapevine Spring), NV-050-0139	84,935
Delamar Mountains, NV-050-0177	126,257
Meadow Valley Range, NV-050-0156	185,744
Morman Mountains, NV-050-0161	162,887
South Pahroc Range, NV-050-0132	28,600

Four alternatives were considered in addition to the Preferred Alternative. They are All Wilderness, Wilderness Accent, Resource Development and No Wilderness (No Action). A discussion of the affected environment is briefly summarized and the environmental consequences anticipated from each of the five alternatives are documented in the DEIS.

The BLM's Preferred Alternative for each of the WSAs is as follows:

Clover Mountains (NV-050-0139)—A total of 84,165 acres is recommended

suitable for wilderness designations. A total of 770 acres adjacent to the Pennsylvania Mining District is recommended nonsuitable.

Delamar Mountain (NV-050-0177)—The entire WSA, totaling 126,257 acres, is recommended nonsuitable for wilderness designation.

Meadow Valley Range (NV-050-0156)—A total of 97,180 acres, including the Meadow Valley Mountains and most of Hackberry Canyon are recommended suitable for wilderness designation. Recommended as nonsuitable are 88,564 acres in the Bunker Hills, central bajada and Vigo Canyon portion of the WSA.

Morman Mountains WSA (NV-050-0161)—A total of 23,690 acres in the central portions of the rugged core, including Mormon Peak is recommended suitable for designation as wilderness. Recommended as nonsuitable are 139,197 acres of highlands, bajadas and Moapa Peak surrounding the core.

South Pahroc Range (NV-050-0132)—A total of 28,395 acres is recommended as suitable for wilderness designation. A total of 205 acres on the northeast is recommended nonsuitable.

FOR FURTHER INFORMATION CONTACT:

Kemp Conn, District Manager, or Frank Maxwell, EIS Team Leader, Bureau of Land Management, P.O. Box 26569, Las Vegas, NV 89126, (702) 388-6403 or FTS 598-6403.

Copies of the DEIS are available for review at the following BLM offices:

Office of Public Affairs, 18th and C Streets, NW., Washington, D.C. 20240
Nevada State Office, 300 Booth Street, Reno, NV 89520

Battle Mountain District Office, North 2nd and Scott Streets, Battle Mountain, NV 89820

Carson City District Office, 1050 E.

William Street, Carson City, NV 89701

Elko District Office, 2002 Idaho Street, Elko, NV 89801

Ely District Office, Star Route 5, Box 1, Ely, NV 89301

Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, NV 89126

Arizona Strip District Office, 8916 East Tabernacle, St. George, UT 84770

Winnemucca District Office, 705 E. 4th Street, Winnemucca, NV 89445

Cedar City District Office, 1579 North Main, Cedar City, UT 84720

Riverside District Office, 1695 Spruce Street, Riverside, CA 92507

Also, copies are available for review at the following public libraries:

Boulder City Library, 539 California Ave., Boulder City, NV 89005

Cedar City Public Library, 136 W. Center, Cedar City, UT 84720

Charleston Heights Library, 800 Brush Street, Las Vegas, NV 89107

Clark County Community College, Learning Resource Center, 3200 E. Cheyenne Avenue, North Las Vegas, NV 89030

Clark County Library, 1401 E. Flamingo Rd., Las Vegas, NV 89109

Henderson Library, Henderson, NV 89015

Las Vegas Public Library, 1762 E. Charleston Blvd., Las Vegas, NV 89104

Lincoln County Library, Caliente Branch, P.O. Box 306, Caliente, NV 89008

North Las Vegas Library, 2300 Civic Center Drive, North Las Vegas, NV 89030

St. George Public Library, 55 W. Tabernacle, St. George, UT 84770

James Dickinson Library, Documents Division, University of Nevada, 4505 Maryland Parkway, Las Vegas, NV 89154

Getchell Library, Government Publications Department, University of Nevada, Reno, NV 89507

Virgin Valley Library, Mesquite, NV 89024

Nevada State Library, Library Building, Carson City, NV 89710

Washoe County Library, 301 S. Center Street, Reno, NV 89505

White Pine County Library, Courthouse Plaza, Ely, NV 89301

A copy of the Draft EIS will be sent to all individuals, agencies, and groups who have expressed an interest in the Caliente Wilderness Planning process, and a limited number of copies are available upon request to the District Manager. A Wilderness Technical Report has also been prepared, providing supplementary information to the DEIS, and is also available upon request to the above address.

DATES: Written comments concerning issues pertinent to the Caliente Wilderness EIS will be accepted until January 2, 1985. Public hearings on the DEIS have been scheduled for Wednesday November 14, 1984 at 7:00 p.m. at the second floor banquet room of the Showboat Hotel, 2800 E. Fremont, Las Vegas, Nevada and the Thursday November 15, 1984 at 7:00 p.m. at the Caliente City Hall Council Room, Caliente, Nevada. Interested individuals, representatives of organizations and public officials wishing to testify are requested to contact the District Manager for advance registration, at the above address or phone number, by 4:15 p.m., November 14, 1984 for the Las Vegas hearing and by 4:15 p.m. November 15, 1984 at (702) 726-3141 for the Caliente hearing. Oral testimony will be limited to ten minutes.

Dated: September 18, 1984.

Roger J. McGormack.

Associate State Director.

[FR Doc. 84-25207 Filed 9-21-84; 8:45 am]

BILLING CODE 4310-HC-M

Fish and Wildlife Service

Interagency Project Review Team for EIS On Proposal To Translocate Southern Sea Otters; Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: As stated previously in the Federal Register June 27, 1984 (49 FR 26313-26315), the U.S. Fish and Wildlife Service (Service) is in the process of preparing an Environmental Impact Statement (EIS) on a proposal to translocate a number of southern sea otters from their present range to a site within the historic range of the species off the Pacific coast of the United States. To assist in the scoping process and to provide consultation during initial drafting of the EIS concerning the proposed translocation, the Service has established an interagency project review team (IPRT) as suggested by the Council on Environmental Quality (see 48 FR 34263-34264, July 28, 1983). Dates for the initial meetings of the IPRT were published in 49 FR 26313-26315 (June 27, 1984).

Dates indicated that notice were August 6-7 and August 23-24, 1984. The August 23-24 meeting was subsequently cancelled. Notice is hereby given of the next meeting of the IPRT. The agenda for the meeting will include presentations on methodologies for addressing risks of oil spills in the EIS on proposed southern sea otter translocation. Since oil spill risks are an important factor in determining whether or not the translocation should be undertaken and, if so, where the translocation site should be, the methodology used in the EIS for addressing oil spill risks will also be important. A second item to be discussed will be names of nominees to a peer review group to review and objectively comment on various sections of the draft and final EIS on the proposed translocation.

DATE: The IPRT meeting will be held October 4, 1984, beginning at 9:00 a.m. and ending on or before 5:00 p.m. the same day. It will be held in the Federal Building, Conference Room 14217, 450 Golden Gate Avenue, San Francisco, California.

ADDRESSES: Questions should be addressed to Skip Ladd, U.S. Fish and Wildlife Service, Sea Otter Recovery Project, 2800 Cottage Way, Room E-1823, Sacramento, California 95825 (telephone 916/484-4935; FTS 468-4935).

FOR FURTHER INFORMATION CONTACT: Skip Ladd at the address and telephone number stated above. Attendance is open to the interested public to observe and participate as desired in the discussions. Those who can provide specific information on the agenda topics are especially encouraged to attend and provide such information. Seating space is very limited. Those members of the general public who plan to attend are encouraged to notify Mr. Ladd so that the number of attendees can be predetermined and seating arrangements made.

Dated: September 18, 1984.

Richard J. Myshak,
Regional Director.

[FR Doc. 84-25253 Filed 9-21-84; 8:45 am]
BILLING CODE 4310-55-M

Minerals Management Service

Arco Oil and Gas Co.; Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 4758, Block 212, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Sabine Pass, Texas.

DATE: The subject DOCD was deemed submitted on September 17, 1984.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: September 17, 1984.

John L. Rankin,
Regional Manager.

[FR Doc. 84-25235 Filed 9-21-84; 8:45 am]
BILLING CODE 4310-MR-M

Samedan Oil Corp.; Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Samedan Oil Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 3297, Block 215, East Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on September 14, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: September 14, 1984.

John L. Rankin,
Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-25236 Filed 9-21-84; 8:45 am]
BILLING CODE 4310-MR-M

Outer Continental Shelf Advisory Board Policy Committee; Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92-463, 5 U.S.C. App. 1 and the Office of Management and Budget's Circular No. A-63, Revised.

The Policy Committee of the Outer Continental Shelf (OCS) Advisory Board will meet from 8:00 a.m. to 5:00 p.m., October 24 and 25, 1984, at the Meridien Hotel New Orleans, New Orleans, Louisiana (504/525-6500).

The meeting will cover the following principle subjects:

October 24

- Results of frontier region exploration since 1973 and implications for future OCS exploration
- Areas of oil and gas industry interest—Summary of the Minerals Management Service and industry information prepared for 5-Year Program
- Means of identifying oil and gas potential in leasing decisions

October 25

- Criteria for determining the environmental sensitivity of marine areas
- Criteria for balancing energy and environmental concerns in the 5-Year Program
- Means of integrating the 5-Year Program and Environmental Studies Program
- Innovative Approaches for 5-Year Program Planning

The meeting is open to the public. Upon request, interested parties may make oral or written presentations to the committee. Such requests should be made no later than October 3, 1984, to the OCS Policy Committee, Minerals Management Service, Department of the Interior, 18th & C Streets, NW., Washington, D.C. 20240.

Requests to make oral statements should be accompanied by a summary

of the statement to be made. For more information contact the Executive Secretary, Michele Tetley at (202/343-9314).

Minutes of the meeting will be available for public inspection and copying 8 weeks after the meeting at the Minerals Management Service, Department of the Interior, 18th & C Streets, NW., Washington, D.C. 20240.

Dated: September 21, 1984.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 84-25386 Filed 9-21-84; 10:33 am]

BILLING CODE 4310-MR-M

National Park Service

Availability of Plan of Operations and Environmental Analysis for the Purpose of Drilling Exploratory Oil/Natural Gas Well No. 1; American Petrofina Co. of Texas, Laguna Madre Area, State Tract 181, Padre Island National Seashore, TX

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the code of Federal Regulations that the National Park Service has received from American Petrofina Company of Texas a Plan of Operations for the purpose of drilling the Exploratory Oil/Natural Gas Well No. 1 within the Laguna Madre Area, State Tract 181, Padre Island National Seashore, Kleberg County, Texas.

The Plan of Operations and Environmental Analysis are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Texas 78418. Copies of the document are available from Padre Island National Seashore and will be sent, upon request, to individuals or groups at a charge of \$7.60 per copy, pursuant to the Freedom of Information Act. The document is 76 pages in length.

Dated: September 17, 1984.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 84-25261 Filed 9-21-84; 8:45 am]

BILLING CODE 4310-70-M

Intention To Extend Concession Contract; Amfac Hotels and Resorts, Inc. dba Fred Harvey

Pursuant to the provisions of section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date

of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend a concession contract with Amfac Hotels and Resorts, Inc. dba Fred Harvey authorizing it to continue to provide lodging, food and beverage, merchandise, automobile service station and souvenir facilities and services for the public at Stovepipe Wells within Death Valley National Monument for a period of two (2) years from January 1, 1986, through December 31, 1987.

This contract extension has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1985, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Fred Harvey, the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Fred Harvey. If Fred Harvey amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Fred Harvey.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Western Region, 450 Golden Gate Avenue, San Francisco, California 94102, for information as to the requirements of the proposed contract.

Dated: August 28, 1984.

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc. 84-25259 Filed 9-21-84; 8:45am]

BILLING CODE 4310-70-M

National Capital Region, Public Affairs; Public Meeting

The National Park Service is seeking public comments and suggestions on the planning of the 1984 Christmas Pageant

of Peace, which opens December 3 on the Ellipse, south of the White House.

A public meeting will be held at the National Capital Region Building, 1100 Ohio Drive, SW., 2nd floor, on November 1, at 10 a.m.

Interested persons who would like to comment at the meeting should notify the National Park Service by October 24 by calling the Office of Public Affairs between 9 a.m. and 4 p.m., weekdays at 426-6700. Persons who cannot attend the meeting can send written comments to Regional Director, National Capital Region, 1100 Ohio Drive, SW., Washington, D.C. 20242. Comments will be accepted until October 17, 1984.

Dated: September 14, 1984.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 84-25260 Filed 9-21-84; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Section 10706(a)(5)(A) Application No. 10]

U.S. Clay Producers Traffic Association, Inc.; Agreement Filed and Request for Comment

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing agreement and request for comments.

SUMMARY: An application for approval of an agreement under 49 U.S.C. 10706(a)(5)(A) has been filed by U.S. Clay Producers Traffic Association, Inc. (USCP), on behalf of its interested members who own or lease rail tank cars. The agreement establishes an association called the Tank Car Allowance Committee (TCAC) consisting of USCP members. TCAC will provide a forum for joint consideration and discussion of rail tank car allowances. The Commission seeks public comment prior to acting on the application.

DATES: An original and 10 copies of comments from interested parties should be filed by October 24, 1984.

ADDRESSES: The application may be inspected at the Office of the Secretary, Interstate Commerce Commission, in Washington, D.C.

Comments referring to section 10706(a)(5)(A) Application No. 10 should be addressed to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Applicant's representative: Henry M. Wick, Jr., 1610 Two Chatham Center, Pittsburgh, PA 15219.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: An application was filed June 29, 1984, by USCP seeking Commission approval of an agreement that would permit USCP members to discuss among themselves and engage in negotiations with various railroad interests matters relating to the allowances to be paid by rail carriers for the use of privately owned or leased rail tank cars.

Shippers entering into such agreements and seeking antitrust immunity must apply to the Commission for approval of their agreement under 49 U.S.C. 10706(a)(5)(A). The Commission will approve an agreement only upon a finding that it furthers the rail transportation policy set forth in 49 U.S.C. 10101a. The Commission can, if necessary, impose conditions to further that policy. If the agreement is approved, the antitrust laws do not apply to parties and other persons with respect to making and carrying out the agreement.

Comments are invited on the proposed agreement, with special attention to the following subjects:

(1) How will this agreement further the transportation policy set forth in 49 U.S.C. 10101a? (Is the requested antitrust immunity necessary?)

(2) Are there any anti-competitive effects that may result because of the agreement?

(3) What, if any, additional safeguards are necessary to ensure that the proposed agreement will not have an undesirable anti-competitive effect or suppress competition among members of the association.

(4) What other matters should the Commission consider in determining whether the agreement should be approved? While it does not appear that this action will have a significant effect on the quality of the human environment or conservation of energy resources, comments on these issues are also invited.

Authority: 49 U.S.C. 10706(a)(5).

Dated: September 13, 1984.

By the Commission, Heber P. Hardy,
Director, Office of Proceedings.

James H. Bayne,
Secretary.

[FR Doc. 84-25208 Filed 9-21-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket Nos. 30544 and 30546]

**Cedar Valley Railroad Co.; Exemption;
49 U.S.C. 10901 and 11301**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of: (1) 49 U.S.C. 10901 the (a) acquisition and operation by Cedar Valley Railroad Company (CVRC) of Illinois Central Gulf Railroad Company's (ICG) 102-mile line of track between Mona Junction, IA, and Lane, MN, including a branch between Stacyville Junction and Stacyville, IA; (b) acquisition by CVRC from ICG of trackage rights between Mona Junction and Waterloo, IA; and (c) acquisition by CVRC from Chicago and North Western Transportation Company of trackage rights between Lane and Albert Lea, MN; and (2) 49 U.S.C. 11301 for CVRC to issue debt and equity securities for line acquisition and other corporate purposes.

DATES: This exemption will be effective on September 20, 1984. Petitions to reopen must be filed by October 15, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30544 and 30546 to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative: Peter A. Gilbertson, Witkowski, Weiner, McCaffrey and Brodsky, Suite 350, 1575 Eye Street, NW, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: September 18, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley, and Strenio. Commissioner Gradison concurred. She would grant an exemption from the requirements of Section 11343, rather than Section 10901, for the proposed acquisition of trackage rights in Finance Docket No. 30546.

Commissioners Lamboley and Strenio did not participate.

James H. Bayne,
Secretary.

[FR Doc. 84-25217 Filed 9-21-84; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 290 (Sub. 2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Approval of Rail Cost Adjustment Factor.

SUMMARY: The Commission has decided to approve the cost index filed by the Association of American Railroads (AAR) under the procedures of Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures*. The application of the index provides for a fourth quarter 1984 Rail Cost Adjustment Factor (RCAF) of 1.053. Since the fourth quarter 1984 RCAF (1.053) shows a decrease of .005 from the third quarter 1984 RCAF (1.058), there is no authority for the one-tenth of one percent increase currently scheduled to become effective on October 1, 1984 in RCCR Tariff X-084-A. Consequently, railroads must amend the tariff immediately to cancel the provisions in Item 30 (and any other items in the tariff) which direct addition of the further 0.1 percent. No other rate actions are ordered.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Robert C. Hasek, (202) 275-0938; Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: By decision served April 17, 1981 (46 FR 22594, April 20, 1981), we outlined the procedures for the calculation of the interim mid-quarter index of railroad costs and the methodology for the computation of the RCAF. AAR was required to calculate and submit the mid-quarter index to the Commission no later than 20 days before the end of each quarter.

The index weights have been updated to 1983 levels using data from the R-1 Annual Reports of Class I Railroads. These weights replace 1982 weights which have been used since the fourth quarter of 1983. The shift in weights between the "materials and supplies" component and the "other" component was caused, in part, by a change from betterment accounting to depreciation accounting for track structures. The fourth quarter index also uses, for the first time, a revised thirty-eight item market basket for the measurement of the materials and supplies component.

We have reviewed the reweighting and the subsequent linking of the old and new index weights and conclude that acceptable procedures have been used.

We have reviewed AAR's calculations of the mid-quarter index for the fourth quarter of 1984 and find that these calculations comply with the guidelines contained in our decision served April 17, 1981.

Our decision served June 20, 1984 provided for a reduction of .1 percent in the maximum rate increase allowed for the third quarter of 1984, the reduction

to be effective for one quarter only. We also stated, "Rate increases taken under these provisions for the fourth quarter 1984 or thereafter may include the .1 percent to the extent that the RCAF remains at or exceeds 1.058." (Emphasis supplied). We note that, in anticipation that the RCAF would equal or exceed 1.058, RCCR Tariff X-084-A provided for the [withheld] .1 percent to be effective October 1, 1984. Since the RCAF did not remain at 1.058, provision for the .1 percent increase must be canceled.

EX PARTE NO. 290 (SUB-NO. 2)
INTERIM MID-QUARTER INDEX

Line No.	Category	1982 Weights	1983 Weights	Second Quarter 1984 Actual	Third Quarter 1984 Forecast	Fourth Quarter 1984 Forecast
1	Salaries, wages and supplements	48.3%	48.5%	147.3	147.3	146.6
2	Fuel	11.3%	10.3%	98.0	99.4	97.3
3	Materials and supplies	10.4%	7.2%	102.8	104.2	106.0
4	Other expense	30.0%	34.0%	115.9	117.6	117.2
5	Weighted average					
a.	1980 = 100			xxx	128.5	128.6
b.	Linked index			127.1	127.9	127.3 ^{1/}
6	Rail Cost Adjustment Factor 2/ (10/1/82 = 100) 120.9 = 100			1.051 ^{3/}	1.058	1.053

1/ Linking is necessitated by a change of weights from 1980 to 1983. The following formula was used:

$$\frac{\text{4th Quarter 1984 Index (1983 Weights)}}{\text{3rd Quarter 1984 Index (1983 Weights)}} \times \frac{\text{3rd Quarter 1984 Index (Linked Index)}}{\text{(Linked Index)}} = \frac{\text{Linked Index (1980 Weights to 1983 Weights)}}{\text{(Linked Index)}}$$

or

$$\frac{128.6}{129.2^a} \times 127.9 = 127.3$$

a/ Third quarter 1984 Index (128.5) recalculated using 1983 weights.

2/ The denominator was rebased to an October 1, 1982 level in accordance with the requirements of the Staggers Rail Act of 1980.

3/ For comparative purposes an RCAF for the second quarter 1984 is shown using actual data. The published RCAF is computed using forecasted data.

This decision will not significantly affect the quality of the human environment or conservation of energy resources. This proceeding will not have a significant adverse impact on a substantial number of small entities because these procedures simplify a formerly complex and burdensome rate increase procedure.

Authority: 49 U.S.C. 10321, 10707a, 5 U.S.C. 553.

Dated: September 17, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley and Strenio. Commissioners Lamboley and Strenio did not participate.

James H. Bayne,

Secretary.

[FR Doc. 84-25210 Filed 9-21-84; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Metabolic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Metabolic Biology.

Date and Time: October 10, 11, 12, 1984 9:00—5:00 p.m.

Place: National Science Foundation, Room 333, 1800 G Street NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. William van B. Robertson, Program Director, Metabolic Biology Program, Room 325, National Science Foundation, Wash., DC 20550 Telephone (202) 357-7987.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in metabolic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Dated: September 19, 1984.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 84-25271 Filed 9-21-84; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Population Biology and Physiological Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Population Biology and Physiological Ecology.

Date and Time: October 11 & 12, 1984—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Louis F. Pitelka, Program Director, Population Biology and Physiological Ecology (202) 357-9728, Room

1140, National Science Foundation, Washington, D.C. 20550.

Purpose of Panel: To provide advice and recommendations concerning support for research in population biology and physiological ecology.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: September 19, 1984.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 84-25269 Filed 9-21-84; 8:45 am]

BILLING CODE 7555-01-M

Earth Sciences Proposal Review Panel; Meeting

In accordance with the Federal Advisory Committee Act, as amended Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Earth Sciences Proposal Review Panel.

Date and Time: October 10, 11, 12, and 13, 1984; 8:30 a.m. to 5:00 p.m. each day.

Place: The National Science Foundation, Room 602, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. James Fred Hays, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550 Telephone: (202) 357-7958.

Purpose of Committee: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: September 19, 1984.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 84-25270 Filed 9-21-84; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-312]

Sacramento Municipal Utility District; Environmental Assessment and Final Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of relief from certain Inservice Testing requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Component", to the Sacramento Municipal Utility District, the licensee for the Rancho Seco Nuclear Generating Station, located in Sacramento County, California.

Environmental Assessment

Identification of Proposed Action

The relief permits the licensee to test certain designated pumps and valves in a manner and on a schedule different from that prescribed in Section XI of the ASME Boiler and Pressure Vessel Code. The proposed relief is in accordance with the licensee's requests for relief dated July 18, December 10 and 24, 1979, April 17 and May 30, 1980, March 3 and October 6, 1983, and January 25, 1984.

The Need for Proposed Action

10 CFR 50.55a(g) requires that ASME Code Class 1, 2 and 3 pumps and valves be inservice tested in accordance with the applicable editions of the ASME Code except where, pursuant to 10 CFR 50.55a(g)(6)(i), specific relief is granted by the Commission. The licensee requested relief from certain inservice testing requirements of the Code for specific pumps and valves for which it has concluded that the requirements were impractical for the following reasons:

1. Exercising of specific valves every three months because (a) testing of the valves during power operation could cause equipment failures or operating transients; (b) design flow cannot be developed during power operation; (c) the valves are required to be closed during power operation to isolate high pressure systems from lower pressure systems; or (d) the valves are locked closed and are not required to move to perform their safety function.

2. Measuring lubricant temperature for specific centrifugal pumps to establish

bearing temperatures cannot be done because no installed instrumentation exists for the measurement of the lubricant's temperatures.

3. Inservice testing each Code pump every month and measuring the pump flow rate during each inservice test because (a) quarterly inservice tests are adequate to evaluate any degradation that may occur and (b) no flow rate measurement instruments are provided for these specific pumps.

The licensee has proposed alternate methods for inservice testing of these specific valves and pumps.

Environmental Impact of the Proposed Action

The inservice inspection program as specified by the applicable editions Section XI of the ASME is established to verify operational readiness of pumps and valves whose function is required for safety. The proposed relief involves only the relief from some of the requirements of the code for specified valves and pumps because, for the reasons outlined above, the licensee has found these requirements were impractical. For each relief the licensee has proposed an alternative inservice test which the staff has reviewed and found acceptable for verifying the operational readiness of the specific valves and pumps. Therefore, the relief will not change the likelihood of primary system failures between inspections. Thus, post-accident radiological releases will not differ from those determined previously, and the proposed relief does not otherwise affect facility radiological effluents, or any significant occupational exposures. Likewise, the relief does not affect facility nonradiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed relief.

Since the Commission has concluded there is no measurable environmental impact associated with the proposed relief, any alternatives either will have no environmental impact or will have no greater environmental impact. The principal alternative to the relief would be to require literal compliance with 10 CFR 50.55a(g). Such an action would not enhance the protection of the environment and could result in unnecessary shutdown of the facility, failure to equipment, and/or operating transients.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in connection with the Final Environmental

Statement relating to this facility, dated March 1973.

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request. The staff did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed relief.

Based upon the environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the requests for relief dated July 18, December 10 and 24, 1979, April 17 and May 30, 1980, March 3 and October 6, 1983, and January 25, 1984 which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Sacramento City-County Library, 828 I Street, Sacramento, California.

Dated at Bethesda, Maryland, this 27th day of August 1984.

For the Nuclear Regulatory Commission,
Frank J. Miraglia,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-25275 Filed 9-21-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361 and 50-362]

Southern California Edison Co., et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (The Commission) is considering issuance of an exemption from the requirements of 10 CFR 70.24 to the Southern California Edison Company, San Diego Gas & Electric Company, the City of Anaheim, California, and the City of Riverside, California (the licensees). The licensees hold Facility Operating License Nos. NPF-10 and NPF-15, which authorize operation of the San Onofre Nuclear Generating Station, Unit Nos. 2 and 3 (the facilities). These facilities are pressurized water reactors located in San Diego County, California.

Environmental Assessment

Identification of Proposed Action

The exemption from 10 CFR 70.24 would allow irradiated or unirradiated fuel assemblies to be handled and stored in the San Onofre 2 and 3 fuel handling building without having two criticality monitoring systems operable,

provided that no more than one fuel assembly is outside an approved shipping container, storage rack, or fuel transfer tube at any time.

The Need for the Proposed Action

The proposed exemption is needed to permit refueling operations at San Onofre 2 and 3 to be conducted without installing the criticality detection systems specified by 10 CFR 70.24.

Environmental Impacts of the Proposed Action

There are no environmental impacts of the proposed action. Criticality will be precluded by the use of geometric spacing in storing new and spent fuel storage racks and the restriction that no more than one fuel assembly shall be authorized to be outside an approved shipping container, storage rack or the fuel transfer tube at any one time. This is an acceptable alternative to redundant criticality detection systems. Since the proposed change does not otherwise affect radiological plant effluents nor cause any significant occupational exposures, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves systems located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendment.

Alternative to the Proposed Action

We have concluded that there is no measurable environmental impact associated with the proposed exemption. The principal alternative would be to deny the requested exemption. This would not reduce environmental impacts of plant operation.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement Related to the Proposed San Onofre Nuclear Generating Station Units 2 and 3" dated March 1973, the "Final Environmental Statement Related to the Operation of San Onofre Nuclear Generating Station Units 2 and 3", dated April 1981, and the Errata to the Final Environmental Statement dated June 1981.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Findings of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for exemption dated March 27, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Dated at Bethesda, Maryland, this 17th day of September, 1984.

For the Nuclear Regulatory Commission,

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-25276 Filed 9-21-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-142]

University of California, Los Angeles; Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts of Terminating Facility License

The U.S. Nuclear Regulatory Commission (Commission) is considering issuance of Orders authorizing the University of California, Los Angeles (licensee), to dispose of the component parts of the research reactor in their possession, and terminating Facility Operating License No. R-71 in accordance with the licensee's application dated July 26, 1984.

The first of these Orders would be issued following the Commission's review and approval of the licensee's detailed plan for disposal of the radioactive components of the reactor and decontamination of the facility or some alternate disposition plan for the facility. This Order would authorize implementation of the approved plan. Following completion of the authorized activities and verification by the Commission that acceptable radioactive contamination levels have been achieved, the Commission would issue a second Order terminating the facility license. Prior to issuance of each Order, the Commission will have made the

findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By October 24, 1984, the licensee may file a request for a hearing with respect to issuance of either or both of the subject Orders and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate Order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any Order which may be entered on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of

the actions under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the Order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW Washington, D.C. by the above date. When petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Cecil O. Thomas: (petitioner's name and telephone number); (date petition was mailed); (University of California, Los Angeles) and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cormier, Esq., Office of Administrative Vice Chancellor, University of California, 405 Hilgard Avenue, Los Angeles, California 90024.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)-(v) and 2.714(d).

For further details with respect to this action, see the licensee's application dated July 26, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C.

Dated at Bethesda, Maryland, this 14 day of September 1984.

For the Nuclear Regulatory Commission.

Cecil O. Thomas,
Chief Standardization and Special Projects
Branch, Division of Licensing.

[FR Doc. 84-25274 Filed 9-21-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-02939; License No. 37-00118-07; EA 84-50]

The University of Pennsylvania, Philadelphia, Pennsylvania; Order Imposing Civil Monetary Penalties

I

The University of Pennsylvania, Philadelphia, Pennsylvania 19104 (the "licensee") is the holder of License No. 37-00118-07 (the "license") issued by the Nuclear Regulatory Commission (the "Commission" or "NRC") which authorizes the licensee to possess and use radioactive materials for medical research, diagnosis, therapy, and teaching and training in accordance with conditions specified therein. License No. 37-00118-07 was issued on August 19, 1983.

II

An NRC safety inspection of the licensee's activities under the license was conducted on January 13 and 16, 1984 and March 21-22, 1984 to review the circumstances associated with a violation involving an exposure of a licensee employee to iodine-125 in excess of the regulatory limit. As a result of the inspection, the NRC staff determined that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated June 20, 1984. The Notice states the nature of the violations, the provisions of the Nuclear Regulatory Commission's requirements that the licensee had violated, and the amount of civil penalty for each violation. A response dated July 13, 1984 to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of the answers received, the statements of fact, explanations, and arguments for remission or mitigation of the proposed civil penalties contained therein, and as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the violations

designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the amount of Four Thousand Dollars (\$4,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555.

V

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection. In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties; and

(b) Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland this 17th day of September 1984.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusion

Although the licensee admits the violations, the licensee's July 13, 1984 response to the Notice of Violation and Proposed Imposition of Civil Penalties dated June 20, 1984, requests that the severity level for the violations described in Section II of the Notice be reduced, and that all of the proposed penalties for the violations described in both Sections I and II of the Notice be mitigated. Provided below are (1) restatement of each violation, (2) a

summary of the licensee's response in support of their request, and (3) the NRC staff evaluation and conclusion regarding the licensee's response.

Section I—Violation Related to exposure in Excess of Regulatory Limit Statement of Violation

10 CFR 20.103(a)(1) states that no licensee shall possess, use, or transfer licensed material in such a manner as to permit an individual in a restricted area to be exposed to radioactive material such that the uptake by any organ from either inhalation or absorption or both routes of intake in any calendar quarter exceeds that which would result from inhaling such radioactive material for 40 hours per week for 13 weeks, that is, 520 hours, at the maximum permissible concentrations (MPC) specified in 10 CFR Part 20, Appendix B, Table I, Column 1.

Contrary to the above, on or before January 13, 1984, one individual was exposed to the equivalent of 2,548 MPC hours of airborne iodine-125 during the first calendar quarter of 1984, an amount 4.9 times the limit specified in 10 CFR Part 20, Appendix B, Table I, Column 1.

This is a Severity Level III violation (Supplement IV). Civil Penalty—\$2,000

Licensee Response

The licensee contends that there is no evidence that the employee received the exposure over a thirteen week period ending on January 13, 1984, and that the possibility the exposure occurred outside the activities conducted under the University's license has not been ruled out. The licensee, however, admits the violation, stating that it is probable that the employee received the exposure while working at the University. Nonetheless, the licensee requests that the penalty be mitigated because the exposure was promptly investigated and reported to the NRC.

NRC Evaluation

The NRC is not stating that the exposures occurred over a thirteen week period ending January 13, 1984. Rather, the maximum permissible concentration (MPC) hour method is used to express the equivalent inhalation exposure necessary to give the thyroid uptake that was observed in the individual. While the NRC staff agrees that the exposure was promptly investigated and reported to the NRC, the violation was not promptly identified by the licensee, but rather was identified when the individual requested that a thyroid bioassay be performed so that he could begin performing iodinations again. Further, although the violation was

promptly investigated, the investigation did not identify as a program weakness the Radiation Safety Office's inability to identify all investigators who failed to have thyroid bioassays performed when required. This demonstrates a lack of aggressive oversight by the Radiation Safety Office and a failure of the licensee to have a management control system to assure that program requirements are followed. Accordingly, the NRC staff concludes that sufficient basis was not provided for mitigating the proposed civil penalty.

Section II—Violations Related to Programmatic Deficiencies Statement of Violations

A. 10 CFR 20.207(a) requires that licensed materials stored in an unrestricted area be secured against unauthorized removal from the place of storage. 10 CFR 20.207(b) requires that materials in an unrestricted area and not in storage be under constant surveillance and immediate control of the licensee. 10 CFR 20.3(a)(17) defines an unrestricted area as any area to which access is not controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials.

Contrary to the above,

1. On March 21, 1984, the Radiopharmacy, an unrestricted area used for storage, contained millicurie quantities of licensed material which were not secured in that the Radiopharmacy was unlocked and was not under constant surveillance and immediate control. During these periods, the Radiopharmacy was accessible to visitors and employees who were not trained in accordance with 10 CFR 19.12.

2. On March 21, 1984, the stairwell behind the Nuclear Medicine Laboratory, an unrestricted area, was used to store licensed material as waste in open cans and containers, but was not under constant surveillance and immediate control. During these periods, the stairwell was accessible to visitors and employees who were not trained in accordance with 10 CFR 19.12.

B. Condition 27 of License No. 37-00118-07 requires that licensed material be possessed and used in accordance with statements, representations and procedures contained in an application dated February 25, 1980 and a letter dated March 18, 1983.

Contrary to the above, licensed material was not possessed and used in accordance with statements, representations, and procedures contained in the application dated February 25, 1980 and the letter dated

March 18, 1983, as evidenced by the following examples.

1. Item 12 of the application requires that persons regularly performing iodinations have thyroid bioassays at intervals of from one to three months.

However, as of March 22, 1984, some individuals regularly performing iodinations did not have thyroid bioassays at intervals of from one to three months. For example, an individual who performed iodinations during 1983 and 1984 only received thyroid bioassays in January and August 1983 and an individual who performed iodinations in January, February and March 1984 had not been given a thyroid bioassay since October 1983.

2. Item 13 of the March 18th letter requires that syringe shields be routinely used in the preparation of radiopharmaceuticals.

However, as of March 22, 1984, syringe shields were not routinely used in the preparation of radiopharmaceuticals in the Nuclear Medicine Department.

C. 10 CFR 20.201(b) requires that each licensee make such surveys as may be necessary to comply with all sections of Part 20. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above, as of March 22, 1984, surveys made to assure compliance with 10 CFR 20.106 were not adequate. Specifically, surveys or evaluations made of the concentrations of radioactive materials in the effluent air discharged from hoods, where millicurie quantities of iodine-125 were processed at various intervals, were not adequate in that actual measurements of airborne concentrations were not made frequently enough during actual processing of iodine-125, and the measurements made and other information collected were not evaluated in terms of annual releases.

D. 10 CFR 20.105(b) requires that radiation levels in unrestricted areas be limited so that an individual who is continuously present in the area could not receive a dose in excess of 2 millirems in any hour or 100 millirems in any seven consecutive days.

Contrary to the above, on June 14, 1983, radiation levels of 10 millirems per hour existed for at least eight hours in an unrestricted area, namely, a room adjacent to Room 421 in the Maloney Building.

Licensee Response

The licensee admits the violations occurred, but states that there was no threat to health and safety and denies that the violations collectively represent a breakdown in the management control and oversight of the radiation safety program. The licensee maintains that they have been extremely effective in assuring licensed activities are properly conducted, as evidenced by a virtually unblemished safety record.

The licensee contends that there is no basis in the regulations for aggregating a number of separate violations, none of which are Severity Level III, into one Severity Level III problem. Therefore, the licensee requests that the Severity Levels of the violations be reduced and all of the penalties mitigated.

NRC Evaluation

The NRC staff maintains that the violations collectively represent a breakdown in the management control and oversight of the radiation safety program because they indicate that adequate supervision of the program was not exercised by the Radiation Safety Officer or the Radiation Safety Committee to insure proper implementation of all program requirements, or to promptly identify and correct existing deficiencies in the program. The identification of these violations by the NRC, as well as the identification of four violations by the NRC during an inspection in 1981, demonstrates that the licensee has not been effective in assuring that licensed activities are properly conducted, contrary to the licensee's assertions.

Aggregation of these violations into a collective Severity III problem is appropriate and in accordance with both Section IV.B of the Enforcement Policy published in the *Federal Register* (47 FR 9987) on March 9, 1982, and Section V.B of the revised Enforcement Policy published in the *Federal Register* (49 FR 8583) on March 8, 1984, to focus on the underlying causes of the violations, namely inadequate management and supervision. Violation II.A, involving failure to properly secure licensed material, could itself be classified at Severity Level III in accordance with Section C.1 of Supplement VI of the revised policy. However, the NRC staff concluded that all of the violations should be categorized in the aggregate so that emphasis of the civil penalty is placed on the underlying cause of the violations.

Conclusion

The NRC staff's evaluation of the licensee's response indicates that an adequate basis was not provided for reduction of the severity level of the violations, or for mitigation of the civil penalties. Accordingly, civil penalties in the amount of Four Thousand Dollars are imposed.

[FR Doc. 84-25277 Filed 9-21-84; 8:45 am]
BILLING CODE 7590-01-M

POSTAL SERVICE

Privacy Act of 1974; Systems of Records

AGENCY: Postal Service.

ACTION: Final notice of Computer Matching Program: U.S. Postal Service/ Requesting State Agencies, and final notice of a modification to an existing system of records.

SUMMARY: The purpose of this document is to publish final notice of a computer matching program and a records system change to Postal Service system USPS 050.020, Finance Records—Payroll System.

EFFECTIVE DATE: September 24, 1984.

FOR FURTHER INFORMATION CONTACT: Martha J. Smith, Records Office (202) 245-5568.

SUPPLEMENTARY INFORMATION: The Postal Service hereby publishes final notice of a computer matching program and a new routine use No. 26 for system USPS 050.020, in connection with its plans to assist the Department of Labor in its efforts to enhance the integrity of its unemployment insurance program by providing to states, upon request, certain postal employee information required in connection with their efforts to prevent illegal payments of unemployment compensation benefits. This routine use will permit the discretionary disclosure of data from the Postal Service's Payroll System files to state agencies that provide unemployment compensation benefits to individuals where disclosed is necessary for the appropriate state component to take legal, administrative or corrective action to improve program integrity. The disclosed information will be used in a state's attempt to eliminate waste, fraud, and abuse in its unemployment insurance program. Advance notice of the proposed computer match and adoption of the routine use was published on August 10, 1984, at 49 FR 32138, where additional details of the proposal, as required by OMB's matching guidelines (47 FR 21656), were described. No comments

were received in response to the advance notice.

Accordingly, system USPS 050.020, Finance Records—Payroll System, is modified to add a new routine use No. 26, as follows:

USPS 050.020

SYSTEM NAME:

Finance Records—Payroll System.

26. Disclosure of information about particular postal employees may be made to requesting states in connection with approved computer matching programs, limited to only those data elements considered relevant to making a determination of eligibility under unemployment insurance programs administered by the state (and by those states to local governments); to improve integrity; and to collect debts and overpayments owed to those governments and their components.

A complete statement of system USPS 050.020, as modified by this notice, appears following the next two Postal Service notices which also modify the Routine Use Section of system USPS 050.020.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84-25249 Filed 9-21-84; 8:45 am]

BILLING CODE 7710-12-M

Privacy Act of 1974; System of Records

AGENCY: Postal Service.

ACTION: Notice of Computer Matching Program: U.S. Postal Service/ Government of the District of Columbia, Department of Human Services (DC-DHS), and final notice of modification to an existing system of records.

SUMMARY: The purpose of this document is to publish final notice of a computer matching program and a records system change to Postal Service system USPS 050.020, Finance Records—Payroll System.

EFFECTIVE DATE: September 24, 1984.

FOR FURTHER INFORMATION CONTACT: Martha J. Smith, Records Office, (202) 245-5568.

SUPPLEMENTARY INFORMATION: The Postal Service hereby publishes final notice of a computer matching program and a new temporary routine use for system "USPS 050.020, Finance Records—Payroll System in connection with its plan to assist the DC Department of Human Services (DC-DHS) in identifying welfare recipients

who are employed by the Postal Service in the District of Columbia, and in the States of Maryland and Virginia and who have not reported their earnings from postal employment to the DC-DHS. The routine use will be in effect for a period of one year from its effective date. The purpose of this action is to determine whether suspected violations of Federal, State or District of Columbia's laws or Postal Service regulations have occurred in connection with the receipt by such employees of welfare benefits under the Aid to Families with Dependent Children (AFDC), General Public Assistance (GPA), Food Stamps, and Medicaid programs, and the nonreporting of earnings from Postal Service employment to the DC-DHS. Advance notice of the proposed computer match and adoption of the temporary routine use was published on August 10, 1984, at 49 FR 32139, where additional details of the proposal, as required by OMB's matching guidelines (47 FR 21656), were described. No comments were received in response to the advance notice.

Accordingly, system USPS 050.020, Finance Records—Payroll System is modified to add a new temporary routine use as follows:

USPS 050.020

SYSTEM NAME:

Finance Records—Payroll System.

30. (Temp.) Disclosure of information about particular postal employees who work in the District of Columbia and in the States of Maryland and Virginia may be made to the Government of the District of Columbia, Department of Human Services (DC-DHS) for comparison with the DC-DHS welfare program files.

Note:—The routine use will be in effect for a period of one year ending September 24, 1985.

A complete statement of system USPS 050.020, as modified by this notice, appears following the next Postal Service notice which also modifies the Routine Use Section of system USPS 050.020.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84-25250 Filed 9-21-84; 8:45 am]

BILLING CODE 7710-12-M

Privacy Act of 1974; Systems of Records

AGENCY: Postal Service.

ACTION: Final notice of modification to an existing system of records.

SUMMARY: The purpose of this document is to publish final notice of a records system change to Postal Service system USPS 050.020, Finance Records—Payroll System.

EFFECTIVE DATE: September 24, 1984.

FOR FURTHER INFORMATION CONTACT: Martha J. Smith, Records Office, (202) 245-5568.

SUPPLEMENTARY INFORMATION: The Postal Service hereby publishes final notice of a new temporary routine use for Privacy Act System of Records USPS 050.020, Finance Records—Payroll System in connection with its plan to assist the U.S. Department of Housing and Urban Development in its efforts to collect overdue debts from current postal employees. These debts are based upon Title I home improvement or manufactured home loans administered by the Secretary of Housing and Urban Development (HUD). Under the arrangements established by the two agencies, the Postal Service will provide to HUD a computer tape containing USPS employees' names and social security account numbers. HUD will match that tape against its file of Title I defaulted debtors and will return the uncopied computer tape to the USPS immediately after the match has been run. Upon written request, for verification purposes, the USPS will provide to HUD the home addresses of those matched individuals, as specifically identified (by name and social security account number) in the request. Advance notice of the proposed adoption of the temporary routine use was published on August 9, 1984, at 49 FR 31967, where additional details of the proposal, as required by OMB's matching guidelines (47 FR 21656), were described. No comments were received in response to the advance notice.

Accordingly, system USPS 050.020, Finance Records—Payroll System, is modified as follows:

USPS 050.020

System Name: Finance Records—Payroll System.

31. (Temp.) To provide to the Department of Housing and Urban Development the names, social security account numbers and home addresses of postal employees for the purpose of notifying those individuals of their indebtedness to the United States under programs administered by the Secretary of Housing and Urban Development and for taking subsequent action to collect those debts.

Note.—This routine use will be in effect for a period of five years ending September 25, 1989.

A complete statement of system USPS 050.020, as modified, appears below.

W. Allen Sanders,

Associate General Counsel, Office of General Law & Administration.

USPS 050.020

SYSTEM NAME:

Finance Records—Payroll System.

SYSTEM LOCATION:

Payroll system records are located and maintained in all Departments, facilities and certain contractor sites of the Postal Service. However, Postal data centers are the main locations for payroll information. Also, certain information from these records may be stored at emergency records centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former USPS employees and postmaster relief/replacement employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain general payroll information including retirement deduction, family compensations, benefit deductions, accounts receivable, union dues, leave data, tax withholding, allowances, FICA taxes, salary, name, social security number, payments to financial organizations, dates of appointment or status changes, designation codes, position titles, occupation codes, position titles, occupation code, addresses records of attendance, and other relevant payroll information. Also includes automated Form 50 records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1003.5 U.S.C. 8339.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—

1. Information within the system is for handing all necessary payroll functions and for use by employee supervisors for the performance of their managerial duties.
2. To provide information to USPS Management and executive personnel for use in section decisions and evaluation of training effectiveness. These records are examined by the Selection committee and Regional Postmasters General.
3. To compile various lists and mailing list, i.e., Postal Leader, Women's lists, i.e., Postal Leader, Women's Programs, Newsletter, etc.

4. To support USPS Personnel Programs such as Executive Leadership, Non-Bargaining Positions Evaluations of Probationary Employees, Merit Evaluation, Membership and Identification Listings, Emergency Locator Listings, Mailing Lists, Women's Programs, and to generate retirement eligibility information and analysis of employees in various salary ranges.

Use—

1. Retirement Deduction—To transmit to the Office of Personnel Management a roster of all USPS employees under Title 5 U.S.C. 8334, along with a check.

2. Tax Information—To disclose to Federal, State and local government agencies having taxing authority, pertinent records, relating to individual employees, including name, home address, social security number, wages and taxes withheld for other jurisdiction.

3. Unemployment Compensation Data—To reply to State Unemployment Offices at the request of separated USPS employees.

4. Employee Address File—For W-2 tax mailings and Postal mailing such as Postal Life, Postal Leaders, etc.

5. Salary payments and allotments to financial organizations—To provide pertinent information to organizations receiving salary payments or allotments as elected by the employee.

6. FI (SS Tax) Deduction—To SS Administration as record of earnings under the SS act for all casual employees not under retirement.

7. Determine eligibility for coverage and payments of benefits under the Civil Service Retirement System, the Federal Employees Group Life Insurance Program and the Federal Employees Health Benefits Program and transfer related records as appropriate.

8. Determine the amount of benefit due under the Civil Service Retirement System, the Federal Employees, Group Life Insurance Program and the Federal Employees Health Benefits program and authorizing payment of that amount and transfer related records as appropriate.

9. Transfer to Office of Workers Compensation Program, Veterans Administration Pension Benefits Program, Social Security Old Ages, Survivor and Disability Insurance and Medicare Programs, military retired pay programs, and Federal Civilian employee retirement systems other than the Civil Service Retirement System, when requested by that program or system or by the individual covered by this system of records, for use in determining an individual's claim for benefits under such system.

10. Transfer earnings information under the Civil Service Retirement

System to the Internal Revenue Service as requested by the Internal Revenue Code of 1954, as amended.

11. Transfer information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance, 4 East 24th Street, New York, NY 10010.

12. Transfer information necessary to support a claim for health insurance benefits under the Federal Employees' Health benefits Program to a health insurance carrier or plan participating in the program.

13. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature to the appropriate agency whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

14. To request or provide information from or to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant, or other benefits.

15. As a data source for management information of production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

16. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

17. Certain information pertaining to Postal Supervisors may be transferred to the National Association of Postal Supervisors.

18. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

19. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

20. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

21. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

22. To provide to the Office of Personnel Management (OPM) approximately 19 data elements (including SSAN, DOB, service competition date, retirement system, and FEGLI status) for use by OPM's Compensation Group collected are not for the purpose of making determinations about specific individuals but are used only as a means of ensuring the integrity of the active employee/annuitant data systems and for analyzing and statistically projecting Federal retirement and insurance system costs. The same data submission will be used to produce summary statistics for reports of Federal employment.

23. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

24. Records in this system are subject to review by an independent certified public accountant during an official audit of Postal Service finances.

25. May be disclosed to a Federal or State agency providing parent locator services or to other authorized persons as defined by Pub. L. 93-647.

26. Disclosure of information about particular postal employees may be made to requesting states in connection with approved computer matching programs, limited to only those data elements considered relevant to making a determination of eligibility under unemployment insurance programs administered by the states (and by those states to local governments); to improve program integrity; and to collect debts

and overpayments owed to those governments and their components.

27. To union-sponsored insurance carriers for the purposes of determining eligibility for coverage and payments of benefits under union-sponsored, non-Federal insurance plans and transferring related records as appropriate.

28. (Temp.) To provide the Department of Education home address information on former postal employees for the purposes of notifying those individuals of their indebtedness to the United States under programs administered by the Secretary of Education and for taking subsequent actions to collect those debts.

Note.—This routine use will be in effect for a period of one year ending February 3, 1985.

29. (Temp.) Disclosure of information about particular postal employees on the employment rolls of the City of New Orleans, Louisiana, may be made to the New Orleans' Department of City Civil Service (NOCCS) for comparison with the NOCCS time/attendance/payment files.

Note.—This routine use will be in effect for a period of one year ending June 15, 1985.

30. (Temp.) Disclosure of information about particular postal employees who work in the District of Columbia and in the States of Maryland and Virginia may be made to the Government of the District of Columbia, Department of Human Service (DC-DHS) for comparison with the DC-DHS welfare program files.

Note.—This routine use will be in effect for a period of one year ending September 24, 1985.

31. (Temp.) To provide the Department of Housing and Urban Development the names, social security account numbers and home addresses of postal employees for the purpose of notifying those individuals of their indebtedness to the United States under programs administered by the Secretary of Housing and Urban Development and for taking subsequent actions to collect those debts.

Note.—This routine use will be in effect for a period of one year ending September 24, 1989.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEMS:
STORAGE:

Preprinted forms, magnetic tape, microforms, punched cards, computer reports and card forms.

RETRIEVABILITY:

These records are organized by

location, name and social security number.

SAFEGUARDS:

Records are contained in locked filing cabinets; are also protected by computer passwords and tape library physical security.

RETENTION AND DISPOSAL:

Records are retained and updated throughout employment with the Postal Service. Upon separation records become historical data, this data is retained at the local site for two years then forwarded to the Federal Records Center nearest the pay location.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Finance Department and APMG, Employee Relations Department at Headquarters.

NOTIFICATION PROCEDURE:

Request for information on this system of records should be made to the head of the facility where employed, giving full name and social security number. Headquarters employees should submit requests to the System Manager.

RECORD ACCESS PROCEDURES:

See Notification above.

RECORD SOURCE CATEGORIES:

Information is furnished by employees, supervisors and the Postal Source Data System.

[FR Doc. 84-25251 Filed 9-21-84; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 21331; SR-MSRB-84-12]

Municipal Securities Rulemaking Board; Filing and Order Granting Accelerated Approval of Proposed Rule Change

September 19, 1984.

The Municipal Securities Rulemaking Board ("MSRB") 1150 Connecticut Avenue, NW., Suite 507, Washington, D.C. 20036, on June 12, 1984, submitted copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and rule 19b-4 thereunder to amend rule G-5 of the rules of the MSRB to subject municipal securities brokers and dealers that are National

Association of Securities Dealers, Inc. ("NASD") members to section 38 of Article III of the NASD's Rules of Fair Practice as in effect on April 3, 1984. Section 38 permits the NASD to prescribe certain remedial measures for NASD members subject to the rule that experience financial or operational difficulties. The amendment to rule G-5 authorizes the NASD to limit the business or take other remedial actions against municipal securities brokers and dealers.

Interested persons are invited to submit written comments concerning the submission within 21 days from the date of publication in the Federal Register. Persons submitting comments should file six copies with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Comments should refer to File No. SR-MSRB-84-12.

Copies of the submission and all related items, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the MSRB.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and in particular, the requirements of section 15B of the Act and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that prompt action will further the protection of investors and be in the public interest, and notice of the proposal was already given in the *SEC Docket*, (31 SEC Docket 98, August 21, 1984).

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above, be and hereby is, approved.

For the Commission, by the division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,
Acting Secretary.

[Rel. No. 14162; 812-5823]

Notice of American Balanced Fund, Inc., et al.; Filing of Application for an Order Pursuant to Section 6(c) of the Act Granting Exemption From the Provisions of Section 22(d) of the Act and Rule 22d-1 Thereunder and Pursuant to Section 11(a) of the Act Approving the Terms of Offers of Exchange

September 17, 1984.

Notice is hereby given that American Balanced Fund, Inc., AMCAP Fund, Inc., American Mutual Fund, Inc., The Bond Fund of America, Inc., EuroPacific Growth Fund, Fundamental Investors, Inc., The Growth Fund of America, Inc., The Income Fund of America, Inc., The Investment Company of America, The New Economy Fund, New Perspective Fund, Inc., The Tax-Exempt Bond Fund of America, Inc., Washington Mutual Investors Fund Inc. and any other member fund to be formed in the American Funds Group of Funds (collectively, "Funds") along with American Funds Distributors, Inc. ("Distributor"), 333 South Hope Street, Los Angeles, CA 90071, the principal underwriter of the Funds (collectively with the Funds, "Applicants"), filed an application on April 13, 1984, and an amendment thereto on September 5, 1984, for an order of the Commission, pursuant to Section 11(a) of the Investment Company Act of 1940 ("Act") approving the terms of certain exchanges, and, pursuant to section 6(c) of the Act, exempting Applicants from the provisions of section 22(d) of the Act and Rule 22d-1 thereunder in connection with those exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable sections and rules.

The application indicates that each Fund is registered under the Act as an open-end, diversified, management investment company. Applicants state that a prior Commission order, Investment Company Act Release No. 10939 (November 16, 1979) already approves the terms of exchanges similar to those described herein.

According to the application, the Funds are currently engaged in a continuous public offering of their shares through distributor at a public offering price equal to the net asset value plus a sales charge which varies with the size of purchase; however, EuroPacific Growth Fund ("EUPAC") and the Tax-Exempt Bond Fund of

America ("TEBF") have sales charges which differ from those of the other Funds. Applicants state that the maximum sales charge for each of the Funds, with the exception of TEBF, is 8.5% of the offering price per share on purchases of less than \$15,000; the sales charge is reduced on larger purchases. Applicants further state that the maximum sales charge for shares of TEBF is 4.75% of the offering price per share, reduced on sales in excess of \$25,000. The application indicates that while the sales charge for each of the Funds except EUPAC is the same for purchases of shares amounting to \$1,000,000 or more, EUPAC applies no sales charge to share purchases of \$1,000,000 or more ("No-Load shares") and purchases of EUPAC for less than \$1,000,000 have a sales charge identical to all Funds except TEBF. All Funds provide that shares may be acquired through reinvestment of dividends and distributions at net asset value.

Applicants propose the following: (1) Shares of Funds except (i) No-Load shares of EUPAC; (ii) No-Load shares of any other Fund which may in the future have the same sales structure as EUPAC (collectively with EUPAC, "Large-Purchase No-Load Funds") and (iii) shares of TEBF, will be exchanged for shares of the Funds on the basis of their net asset value per share at the time of the exchange. (2) No-Load shares of the Large-Purchase No-Load Funds which were acquired through a share exchange from one of the Funds other than through a share exchange of No-Load shares from a Large-Purchase No-Load Fund or which were acquired as a result of the reinvestment of dividends or distributions ("Reinvested Shares") will be exchanged for shares of any of the Funds on the basis of their net asset value per share at the time of the exchange. (3) Shares of the Large-Purchase No-Load Funds and TEBF, other than Reinvested Shares, will be exchanged for shares of the Funds upon payment of the sales charge described in the prospectus of the Fund whose shares will be acquired, less any previously paid sales charge.

Applicants represent that holders of No-Load shares of a Large-Purchase No-Load Fund, exchanging shares for those of the other Funds, would pay the same overall sales charge that they would have paid had they directly purchased the same number of shares of the other Fund. Applicants further represent that a shareholder who acquired shares of the Large-Purchase No-Load Funds by way of an exchange of shares of one of the Funds which would otherwise have been No-Load shares had the shares

been purchased from a Large-Purchase No-Load Fund, would be able to re-exchange the shares of the Large-Purchase No-Load Funds for shares of any of the Funds on the basis of their relative net asset value per share at the time of the exchange since the shareholder would have paid a normal sales charge on the shares of the exchanged Fund. Applicants represent that no further sales charge would be assessed on any future exchange of the shares so acquired, and no refund of sales charges will be made on any of the exchanges permitted hereunder.

The application indicates that, in the event shareholders desire to exchange only a portion of their No-Load shares of the Large-Purchase No-Load Funds for one of the Funds, those shares which may be exchanged at relative net asset value without sales charge will be exchanged first; the remaining shares to be exchanged will be selected from those shares which are entitled to be exchanged upon payment of the lowest additional sales charge. Applicants represent that, if because of rights of accumulation at the time of the exchange, the shareholder would be entitled to make a direct purchase of shares of the Fund to be acquired at a lower sales charge, the lower sales charge less the sales charge previously paid would be assessed.

Applicants submit that without Commission approval certain of the proposed exchanges would violate section 11(a) of the Act since they would be completed on a basis other than relative net asset value. Applicants further submit that some of the exchanges may not be deemed in compliance with section 22(D) of the Act and the rules thereunder, absent an exemptive order under section 6(c) of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 12, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Acting Secretary.

[FR Doc. 84-25230 Filed 9-21-84; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 14161; 812-5824]

EuroPacific Growth Fund; Application for Order Pursuant to Section 6(c) of the Act Exempting Applicant From Sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the Act and Rules 22c-1 and 22d-1 Thereunder

September 17, 1984.

Notice is hereby given that EuroPacific Growth Fund ("Applicant"), 333 South Hope Street, Los Angeles, California 90071, an open-end, diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on April 13, 1984, and an amendment thereto on August 30, 1984, for a Commission order, pursuant to section 6(c) of the Act, exempting Applicant from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the Act and Rules 22c-1 and 22d-1 thereunder to the extent necessary to permit Applicant and any other fund in the American Funds Group of Funds with substantially the same sales structure to assess (and waive in certain cases) a contingent deferred sales charge on redemptions of its shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the provisions cited in the application.

Applicant proposes to offer its shares for sale at net asset value plus a front-end sales charge where the initial purchase price is less than \$1,000,000. Applicant intends to impose a contingent deferred sales charge on certain redemptions of shares with an initial purchase price of \$1,000,000 or more. Applicant believes that not imposing a sales charge for purchases of \$1,000,000 or more is permitted by Rule 22d-1(a) which allows a scale of reducing sales load varying with the quantity of securities purchased by any person. Applicant states that the contingent deferred sales charge would only be imposed on redemptions occurring within twelve months of a purchase and would equal 1% of the lesser of (1) the net asset value of the shares redeemed, or (2) the total cost of the shares. No contingent deferred sales

load will be imposed when the investor redeems: (1) Amounts derived from increases in the value of his account above the total cost of shares redeemed due to increases in Applicant's net asset value per share; (2) shares acquired through reinvestment of dividend income and capital gains distributions; (3) shares held for more than twelve months; or (4) on exchange of Applicant's shares for shares offered by (a) Applicant's principal underwriter, American Funds Distributor Inc. (the "Distributor"), or (b) The Cash Management Trust of America, a money-market fund in the American Funds Group which is not distributed by the Distributor. Applicant states that, in determining whether a contingent deferred sales charge is payable, shares held the longest will be redeemed first.

Applicant intends to waive the contingent deferred sales charge on redemptions in connection with distributions from retirement plans qualified under the Internal Revenue Code (the "Code"), section 401(a), when such redemptions are necessary to make distributions to plan participants. Applicant states that it will assist in financing the distribution of its shares pursuant to a plan adopted under Rule 12b-1 under the Act (the "Plan"). The Plan provides that Applicant will pay the distributor monthly at an annual rate not to exceed .25% of Applicant's average net assets to finance activity that is primarily intended to result in the sale of Applicant's shares. Applicant believes that imposition of the proposed contingent deferred sales charge is fair and is in the best interests of Applicant's shareholders. Applicant asserts that the proposed charge would allow shareholders to have greater investment dollars working at the time of purchase.

Applicant asserts that imposition of the contingent deferred sales charge would not cause Applicant's shares to fall outside the Act's definition of "redeemable securities". Applicant states that the contingent deferred sales charge will in no way restrict a shareholder from receiving a proportionate share of the current net assets of Applicant, but will merely defer deduction of a sales charge and make it contingent on an event that may never occur. Accordingly, Applicant requests an exemption from the provisions of section 2(a)(32) of the Act to permit imposition of a contingent deferred sales charge.

Applicant asserts that there is no reason to prohibit imposition of a sales charge at a time other than the time of purchase. Applicant further asserts that

the contingent nature of the charge puts the purchaser in a better position than if a sales load were imposed at the time of sale. Applicant submits that, because the charge is imposed only on amounts representing purchase payments (and not on increases in value of the shares or on shares purchased through reinvestment), the purchaser is better off with a contingent deferred sales charge. Accordingly, Applicant requests an exemption from the provisions of section 2(a)(35) of the Act to permit imposition of a contingent deferred sales charge.

Applicant asserts that the proposed contingent deferred sales charge is consistent with the intent of the definition of "sales load" contained in the Act. Applicant states that the contingent deferred sales charge is paid to the Distributor to reimburse it solely for expenses related to the sale of shares. It is submitted that the deferral of the sales charge, and its contingency upon the occurrence of an event that may not occur, does not change the basic nature of the charge, which is in every other respect a sales charge. Accordingly, Applicant requests an exemption from the provisions of section 2(a)(35) of the Act to the extent necessary to implement the proposed contingent deferred sales charge.

Applicant states that when a redemption of Applicant's shares occurs, the price of the shares redeemed will be based on current net asset value. The contingent deferred sales charge will merely be deducted at the time of redemption in arriving at the shareholder's proportionate redemption proceeds.

Accordingly, Applicant requests an exemption from the provisions of section 22(c) of the Act and Rule 22c-1 thereunder to the extent necessary to permit implementation of the proposed contingent deferred sales charge.

Applicant requests an exemption from the provisions of section 22(d) of the Act and Rule 22d-1 thereunder to permit waiver of the contingent deferred sales charge on redemptions in connection with distributions from retirement plans qualified under Code section 401(a). It is asserted that waiver of the contingent deferred sales charge for distributions from a qualified retirement plan is justified on basic considerations of fairness. It is further asserted that waiving the charge on certain distributions from a qualified retirement plan is fully consistent with the policies reflected in Rules 22d-1(a)(3) and 22d-1(b)(3) under the Act, which permit quantity discounts to plans qualified under Code section 401, and Rule 22d-1(f) under the Act, which permits variation in sales load for qualified

employee benefit plans (which need not be based on realization of economies of scale where the plans are qualified under section 401 of the Code).

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 12, 1984, at 5:30 p.m., to do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Acting Secretary.

[FR Doc. 84-25232 Filed 9-21-84; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 14163; 812-5862]

Guild Finance Corp.; Filing of Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicant From all Provisions of the Act

September 17, 1984.

Notice is hereby given that Guild Finance Corporation ("Applicant"), 9160 Gramercy Drive, San Diego, California 92123, incorporated under the laws of the State of California, filed an application on May 30, 1984, and an amendment thereto on August 24, 1984, for an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the test of the applicable statutory provisions.

The application states that Applicant is a limited purpose financing corporation organized by Guild Mortgage Company, a California corporation engaged in the business of mortgage banking ("Guild Mortgage"), to facilitate the financing of long-term

residential mortgages on single-family residences and will not engage in any other unrelated business or investment activities. Applicant states that it intends to issue securities ("Bonds") and enter into funding agreements as described below with certain limited purpose finance companies (the "Finance Companies" or, individually, a "Finance Company") with respect to the Bonds. Applicant states that each Finance Company will use the proceeds from the Bonds to acquire eligible mortgage related collateral from one or more affiliated companies involved in the homebuilding business, who, in turn, will use those funds primarily to repay indebtedness to lenders or others incurred in connection with the construction of the single family residences securing the mortgage loans underlying the eligible mortgage related collateral. According to the application, in general, each Finance Company participating in a series of Bonds issued by Applicant is or will be organized and principally owned or otherwise controlled by a separate concern involved in the home building or mortgage finance business. Applicant represents it will have no significant assets other than the Mortgage-Backed Funding Obligations (as defined below) which back and secure the Bonds.

According to the application, each series of Bonds will be issued pursuant to an indenture ("Indenture") between Applicant and an independent trustee ("Trustee"). Applicant represents any issue of Bonds will be rated in the highest bond rating category available by at least one nationally recognized rating agency. Applicant and each Finance Company participating in the Bonds will enter into a funding agreement with respect to the Bonds pursuant to which (i) Applicant will issue Bonds; (ii) Applicant will lend the proceeds of the sale of the Bonds to such Finance Company; (iii) each such Finance Company will be obligated to repay the loan made to it by the Applicant by causing payments to be made directly to the Trustee on behalf of Applicant in such amounts as are necessary to pay proportionate share of the principal of and interest on the Bonds as the same become due; (iv) each such Finance Company will execute a note evidencing its obligation to repay the loan pursuant to the terms of the related funding agreement; and (v) each such Finance Company will pledge to Applicant eligible mortgage-related collateral as security for its loans. The application states that the eligible collateral consists of fully-modified pass-through mortgage-backed

certificates, fully guaranteed as to principal and interest by the Government National Mortgage Association, mortgage participation certificates issued by the Federal Home Loan Mortgage Corporation, guaranteed mortgage pass-through certificates issued by the Federal National Mortgage Association, and will also include certain reserve funds. Applicant will assign to the Trustee its right, title and interest in the funding agreements, the notes and the mortgage-related collateral pledged thereunder as security for the Bonds. According to the application, payments on the mortgage-related collateral will be the primary source of funds for payments of principal and interest due on the Bonds. The collateralized funding arrangements backing and securing the Bonds are referred to herein as the "Mortgage-Backed Funding Obligations".

Applicant submits that it is not the type of entity which was intended to be regulated under the Act and that since it is being formed for the limited purpose of issuing low risk, highly rated bonds backed and secured by Mortgage-Related Funding Obligations, its activities do not require the protection of the Act. Furthermore, Applicant submits that there are strong policy reasons for granting the exemptive relief in that its activities supply capital to the real estate and mortgage markets and thereby facilitate the financing of housing, a critical national need. Applicant submits that there is no public policy reason to require Applicant to register under the Act merely because it is facilitating the financing efforts of a number of small builders.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 11, 1984, at 5:30 p.m. do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-25231 Filed 9-21-84; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21330; SR-NASD-84-22]

Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 6, 1984, the National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, NW., Washington, D.C. 20006, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend a stated policy ("Policy")¹ with respect to the enforcement of NASD By-Laws Article IV, Section 2, Schedule E.² The Policy provides a temporary exemption from Schedule E for certain "special purpose broker-dealers," i.e., broker-dealers that: (i) Sell public offerings of securities issued by an affiliate; (ii) formerly were registered with the Commission as SECO broker-dealers and were not NASD members; (iii) qualified for, and relied on, paragraph (c)(3) of former Rule 15b10-9 under the Act for an exemption from certain other SECO rules, immediately prior to becoming NASD members. The NASD is amending the Policy to extend this temporary exemption from June 6, 1984, to September 28, 1984. The NASD believes that this grace period will facilitate the integration of certain SECO firms into the NASD and is necessary as part of the conversion process. In addition, the NASD states that the temporary exemption will provide the NASD and the Commission staff the opportunity to consult with each other regarding the progress of NASD review of Schedule E compliance of those firms which were permitted to use the temporary exemption.

¹ The Commission approved the Policy, which the NASD submitted as a proposed rule change, SR-NASD-83-25, in Securities Exchange Act Release No. 20447 (December 6, 1983), 48 FR 55374 (December 12, 1983). The NASD adopted the Policy as part of its effort to accept former SECO broker-dealers as NASD members. Congress abolished the SECO program, effective December 6, 1983. Pub. L. 98-36, 87 Stat. 205.

² NASD Manual (CCH), ¶ 1402 (hereinafter referred to as "Schedule E").

The NASD believes the proposed rule change is consistent with section 15A(b)(2) of the Act as amended because the proposed rule exchange is intended to provide new members of the NASD who formerly were not subject to the Commission's self-underwriting rule sufficient time to develop procedures for compliance with Schedule E. The NASD believes that the proposed rule change is consistent with section 15A(b)(6) because the temporary exemption does not unfairly discriminate between NASD member firms because it facilitates the conversion of former SECO firms to NASD membership.

The foregoing change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days after the date of publication in the *Federal Register*. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-NASD-84-22.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the NASD.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-25229 Filed 9-21-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14167 (812-5845)]

CIGNA Annuity Fund, Inc., et al., CIGNA Corp.; Application for Order Exempting Applicant and Permitting Certain Affiliated Transactions

September 19, 1984.

Notice is hereby given that CIGNA Annuity Fund, Inc. ("Applicant"), Hartford, Connecticut 06152, an open-end, diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on May 11, 1984, and an amendment thereto on August 9, 1984, requesting a Commission order: (1) Pursuant to section 6(c) of the Act, exempting Applicant and all subsequent funds and similar series of funds organized and sponsored by CIGNA Corporation or its affiliates (the "CIGNA Funds") from the provisions of sections 13(a)(2), 18(f)(1) and 22 (f) and (g) of the Act to the extent necessary to permit Applicant and subsequent and similar series of the CIGNA Funds to enter into a deferred fee arrangement with their directors and, (2) pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, permitting Applicant and subsequent and similar series of the CIGNA Funds to effect transactions incident to the deferred fee arrangement. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the provisions cited in the application.

Applicant states that it offers four classes of common stock representing interests in four portfolios: (1) The Money Market Portfolio, (2) The Short-Term Government Portfolio, (3) The Equity Portfolio, and (4) The Income Portfolio. Each of Applicant's portfolios has a different investment objective and is designed to fund variable annuity contracts issued by Investors Life Insurance Company of North America ("Investors Life"). CIGNA Investment Management Company ("CIGNA Management"), an indirect subsidiary of the CIGNA Corporation ("CIGNA"), is Applicant's investment manager and serves as investment manager or adviser for the CIGNA Funds.

Applicant states that its Board of Directors will consist of twelve persons, a majority of whom are not, within the meaning of section 2(a)(19) of the Act, "interested persons" of Applicant. It is stated that each of the directors who is not an interested person of CIGNA, Investors Life or CIGNA Management receives a retainer of \$8,400 for serving as a director of all the CIGNA Funds

plus a meeting fee of \$550 for each Board or Committee meeting attended. Applicant states further that directors acting as Chairmen of Committees (Applicant will have Audit, Nominating and Contracts Committees) receive an additional retainer of \$1,500 per year. With two exceptions (Mr. James H. Torrey and Mr. Harold H. Bigler), no director of Applicant who is an interested person of CIGNA, Investors Life, or CIGNA Management receives any remuneration from Applicant. According to the application, the total remuneration payable to the directors is allocated among all the CIGNA Funds based on their relative net assets. Applicant states that the CIGNA Funds pay no other remuneration to their directors and that the amounts paid to the directors are, and are expected to continue to be, insignificant in comparison to Applicant's total net assets.

The requested order would permit Applicant to negotiate an agreement deferring payment of directors' fees otherwise currently payable by Applicant. A director may elect to defer receipt of his director's fees to avoid loss or diminution of social security benefits, to enable the director to defer payment of income taxes on such fees, or for other reasons. Applicant believes that the availability of a deferred fee arrangement will enhance its ability to attract and retain directors of the same high caliber as those who presently serve on its Board. Applicant states that the deferred directors' fees will be credited to a book reserve account (the "Deferred Fee Account") as of the date such fees would have been paid. Directors' fees that become payable for attending Board or Committee meetings will be credited to the Deferred Fee Account on the following business day.

According to Applicant, deferred fees will accrue interest daily from the date directors' fees are credited to the Deferred Fee Account. The rate of return on amounts (including accrued interest) in the Deferred Fee Account will equal the rate payable on shares of CIGNA Cash Fund, Inc. ("CIGNA Cash"). Applicant may purchase shares of CIGNA Cash to fund interest payments on amounts in the Deferred Fee Account. However, payment of deferred fees and accrued interest will be a general obligation of Applicant and such payment will be made from Applicant's general assets and property. A director entitled to payment of deferred fees will be a general unsecured creditor of Applicant. The deferred director's fees (including interest accrued thereon) will become payable in cash upon

termination of the director's services in such capacity, in a lump sum or in such number of annual installments as shall be determined by Applicant in its sole discretion. In the event of the director's death, amounts payable to him under the agreement will be payable to his designated beneficiary; in all other events, the director's right to receive payments will be nontransferable. Applicant states that the deferred fee agreement will not obligate Applicant to retain a director in such capacity, nor will it obligate Applicant to pay any (or any particular level of) directors' fees to any director.

Applicant asserts that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further submits that its participation in the deferred fee agreement is not on a basis different from or less advantageous than that of any affiliated person of Applicant.

Applicant asserts that it should be exempted from the provisions of sections 18(f)(1) and 13(a)(2) of the Act because the deferred fee agreement is not a senior security within the meaning of the Act. Applicant submits that it would not "borrow" from its directors and that all liabilities created by credits to the Deferred Fee Account would be offset by equal amounts of assets that would not exist if directors' fees were currently paid. Applicant asserts that the deferred fee agreement would not: (1) Induce speculative investments by Applicant or provide an opportunity for manipulative allocation of Applicant's expenses and profits, (2) effect control of Applicant, or (3) confuse Applicant's investors, make it difficult for them to value Applicant's shares or convey a false impression of safety.

Applicant asserts that it should be exempted from the provisions of section 22(f) of the Act because that section was designed only to bar those restrictions on transferability or negotiability either not disclosed to the holder of the subject security or expressly prohibited by Commission rule or regulation. Applicant states that the restriction on transferability of directors' benefits would be clearly set forth in the deferred fee agreement, would primarily benefit the directors and would not adversely affect the interests of the directors or shareholders of Applicant or the CIGNA Funds.

Applicant asserts that it should be exempted from the provisions of section 22(g) of the Act because the legislative history of the Act indicates that

Congress was primarily concerned with the dilutive effect on the equity and voting power of the securities of an open-end company if such securities were issued for consideration not readily valued. Applicant submits that the deferred fee agreement would not have a dilutive effect. Applicant states that its obligations to make payments under the deferred fee agreement would not be "issued" for services. Although a director's fees that might become payable to a director would clearly be for services, any such fees would become payable independent of the agreement. Applicant states that the deferred fee agreement would merely provide for deferral of payment of such fees and thus should be viewed as being "issued" not in return for services but in return for Applicant's not being required to pay such fees on a current basis.

Applicant asserts that the agreement is not a joint transaction, within the meaning of section 17(d) of the Act and Rule 17d-1 thereunder. If the agreement is to be considered a joint transaction, Applicant states in support of its request for approval, that the interest to be accrued on amounts in the Deferred Fee Account is to be based on the yield of CIGNA Cash, not that of Applicant. Applicant asserts that use of CIGNA Cash's yield to determine interest on amounts in the Deferred Fee Account does not inherently differ from (but might be fairer than) the use of the prime rate or another assumed rate of interest. Applicant maintains that deferral of a director's fees in accordance with the deferred fee agreement would maintain the parties to the agreement in the same position as if the fees were paid on a current basis.

To comply with section 12(d)(1) of the Act, Applicant represents that its total ownership of CIGNA Cash shares will at all times: (1) Represent less than three percent of the total outstanding voting securities of CIGNA Cash; (2) have an aggregate value of less than five percent of Applicant's total assets; and (3) will constitute, in the aggregate with the other CIGNA Funds, less than ten percent of the total outstanding voting stock of CIGNA Cash.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 15, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at

the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Acting Secretary.

[FR Doc. 84-25294 Filed 9-21-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14164; (813-60)]

Hutton Investment Partnership I; Application for an Order Amending Prior Order

September 19, 1984.

Notice is hereby given that Hutton Investment Partnership I ("Applicant"), One Battery Park Plaza, New York, New York 10004, registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified management company, filed an application on July 6, 1984, requesting an order of the Commission pursuant to section 6(b) of the Act, amending in the manner described below an earlier order issued July 29, 1981 (Investment Company Act Release No. 11877), and amended on April 8, 1982 (Investment Company Act Release No. 12362) (the "Order"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the applicable statutory provisions.

Applicant is a limited partnership organized under the Uniform Limited Partnership Act of the State of New York. Its organization was conceived by employees of the E.F. Hutton Group Inc. ("Hutton"), a Delaware corporation, to function as an investment vehicle for certain employees of Hutton and its subsidiaries.

Applicant states that, as originally issued on July 29, 1981, the Order exempted Applicant from sections 10 (a), (b) and (f), 14(a), 15(a), 16(a), 17(a), (d), (f) and (g), 18(i), 23(c), 30 (a), (b) and (d) and 32(a) of the Act, and granted confidential treatment pursuant to Section 45(a) of the Act to the extent that filings might be made by Applicant with the Commission pursuant to section 30 of the Act. By amendment dated April 8, 1982, the Order relieved Applicant of certain undertakings given in its original application, and

specifically exempted certain of its additional activities from the provisions of sections 17 (a)(2) and (d) of the Act, and exempted Applicant from certain requirements of section 18(a)(1) of the Act.

Applicant believes that still further revision of the Order is appropriate to make it coterminous with the Commission order (Investment Company Act Release No. 13246) granted on May 17, 1983, to Hutton Investment Partnership II ("Partnership II"), the second partnership in the series of employees' securities companies of which Applicant was the initial entity. The latter order provided for exemptive relief substantially identical to that provided for by the Order except that Partnership II (and subsequent similar partnerships) were granted additional relief in the form of exemptions from sections 8(b), 19(b) and 20(a) of the Act, and were exempted from section 17(d) and Rule 17d-1 thereunder to permit them to enter into concurrent investments with affiliates to an extent greater than that permitted by the Order. For the reasons set forth hereinafter, Applicant requests that said additional exemptive relief be extended to it, as well.

Applicant states that although Partnership II, and subsequent such entities of the same series ("Subsequent Partnerships") (Partnership II and Subsequent Partnerships collectively, "Partnerships") may differ from Applicant, or from each other, in terms of their respective investment objectives, structurally and operationally speaking, they are (or will be) similar. Neither Applicant nor the Partnerships are or will be controlled by Hutton, but rather will be controlled by officers and employees of Hutton. The limited partners of Applicant and of the Partnerships are or will be officers, directors, or other employees of Hutton or its subsidiaries. Management of Applicant and that of the Partnerships are or will be vested exclusively in the general partner of these entities, i.e., Hutton Venture Investment Partners, Inc. (formerly named "Hipco, Inc.") ("General Partner"). Both Applicant and the Partnerships have or will have minimum income requirements for participants, minimum and maximum capital contributions, and similar restrictions and allowances with respect to such characteristics as transferability. Consequently, Applicant concludes, abundant indicia exist of a community of interest between Applicant and the Partnerships.

Applicant contends that such community of interest notwithstanding,

inconsistencies exist between the Order and the exemptive order issued to the Partnerships, and that such inconsistencies compel the General Partner to establish and maintain separate procedures for the operations of Applicant vis-a-vis those of the Partnerships. It is noted, for example, that the exemption from section 17(d), and Rule 17d-1 thereunder, accorded the Partnerships permits each such company to make concurrent investments with each other, or with Applicant, provided that the basis of participation is the same for each employees' securities company. Therefore, Applicant requests that it likewise be exempted from section 17(d) of the Act, and Rule 17d-1 thereunder, to the extent necessary to permit (i) investments by Applicant in any other partnership or other investment vehicle that is sponsored or managed by Hutton or its affiliates, or (ii) investments by Applicant in which a partnership or other investment vehicle described in clause (i) is a participant or plans to become a participant and which would not be prohibited investments for Applicant except that Hutton or any of its subsidiaries, or one or more officers, directors, or employees of the General Partner, have a partnership interest in, or compensation arrangement with, such entity as is described in clause (i).

A further example which Applicant cites of the inconsistency between the terms of the Order and the exemptive treatment given the Partnerships is to be found the exemption of the Partnerships from the provisions of section 19(b) of the Act, and Rule 19b-1 thereunder. This relief permits the Partnerships to make distributions of capital gains more frequently than once every twelve months. The Order, on the other hand, does not afford Applicant this relief.

It is noted that the exemption of the Partnerships from section 19(b), and Rule 19b-1, was requested for the specific purpose of enabling the Partnerships to distribute portfolio securities, or the proceeds of a liquidation thereof, to limited partners more frequently than once each year; it was stated that the Partnerships might hold portfolio investments until they become liquid, and thereupon distribute either the investments or proceeds of sale to limited partners. In view of this policy, it was believed that compliance with Section 19(b), and Rule 19b-1, could seriously impede the proposed operations of the Partnerships. Applicant apparently wishes to attain the same flexibility in this regard as presently enjoyed by the Partnerships.

Additionally, the Partnerships are exempted from section 8(b) of the Act to the extent necessary to relieve them of the requirement of filing annual amendments to their registration statements in accordance with Rule 8b-16 under the Act, while Applicant remains subject to section 8(b) in its entirety, and, in accordance with the terms of the Order, is subject to certain information reporting obligations. The exemption from Rule 8b-16 was granted in the case of the Partnerships on the theory that, as closed-end companies, each of the Partnerships would be limited to a single offering of limited partnership interests, which would not be the subject of any secondary market trading. Moreover, it was noted that limited partners of the Partnerships receive annual reports regarding the operations and assets of these companies, and such reports must include audited financial statements for each entity provided by Hutton and prepared or reviewed by an independent public accountant selected by the General Partner. These reports must disclose, together with other information, the outstanding borrowings of the Partnership during the applicable reporting period. In addition to the foregoing, limited partners of the Partnerships are to receive, within 60 days after the end of the tax fiscal year of each of the Partnerships, a recent setting forth information with respect to the income, gains and losses, for federal income tax purposes, of each limited partner resulting from the operation of the Partnerships during such tax year. These practices will be followed in like manner by Applicant, and, accordingly it is inferred that Applicant should similarly be exempted from section 8(b) of the Act insofar as such section would require it to file an updating amendment to its registration statement each year. Applicant also requests that its obligation under the Order to file with the Commission the information called for by sections 30 (a) and (b) of the Act (having it remain confidential), be deleted from the Order, thereby eliminating all periodic reporting requirements to which Applicant would otherwise be subject under the Act.

Finally, it is stated that the Partnerships were exempted from section 20(a) of the Act, and the rules thereunder, in soliciting proxies from limited partners, upon the condition that any such solicitations would, nonetheless, be conducted in compliance with the provisions of section 14(a) of the Securities Exchange Act of 1934 ("1934 Act"), and the rules and regulations under the 1934 Act. The

Partnerships were accorded this relief insofar as the provisions of section 20(a) would apply to the exercise of limited partners' rights to remove the General Partner, to approve significant amendments to partnership agreements, and to grant the General Partner powers of attorney to execute and file certain documents on behalf of the Partnerships, or execute certain amendments to the partnership agreements. As a basis for this relief, it was asserted that adherence to the requirements of section 20(a) of the Act could necessitate analysis of difficult questions of interpretation likely to render the process of preparing and filing proxy statements unusually costly and time-consuming. Applicant believes that these difficulties are applicable in equal measure to it, and therefore, that it also should be exempted from the proxy solicitation requirements of section 20(a) of the Act, subject, however, to the condition that it comply with the 1934 Act provisions governing the proxy solicitation process.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 15, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Acting Secretary.

[FR Doc. 84-25296 Filed 9-21-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14166; (812-5835)]

Massachusetts Fund, et al.; Application for Order Granting Exemptions Permitting Certain Affiliated Transactions

September 19, 1984.

Notice is hereby given that Keystone Custodian Funds, Inc. ("Keystone"), the corporate trustee of Keystone Custodian Fund, Series K-1 ("Series K-1"), Series

K-1 and Massachusetts Fund ("Mass Fund") ("Applicants"), 99 High Street, Boston, Massachusetts 02110, both open-end, diversified management investment companies registered under the Investment Company Act of 1940 (the "Act"), filed an application on June 28, 1984, and an amendment thereto on August 21, 1984, for a Commission order (1) pursuant to sections 6(c) and 17(b) of the Act, exempting certain transactions incident to the reorganization of Mass Fund and Series K-1 from the provisions of sections 17(a) and 19(b) of the Act and Rule 19b-1 thereunder, and (2) pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, permitting the proposed reorganization. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the provisions cited in the application.

According to the application, Mass Fund is the successor to a load mutual fund of the same name (the "Predecessor") whose assets it acquired in a tax-free reorganization on December 30, 1983. Mass Fund's investment objectives are protection of principal and, secondarily, income and future growth of capital. Applicants state that, as of June 30, 1984, Mass Fund had net assets of approximately \$185,829,000 and approximately 6,185 shareholders. Applicants state further that the investment objectives of Series K-1 are current income and, secondarily, future growth of both capital and income. It is stated that, as of June 30, 1984, Series K-1 had net assets of approximately \$63,487,000 and approximately 11,605 shareholders.

Applicants propose that Series K-1 acquire all of the assets of Mass Fund in the manner set forth in an Agreement and Plan of Reorganization (the "Agreement") between Keystone on behalf of Series K-1 and Mass Fund. Applicants state that, under the terms of the Agreement, on a closing date (the "Closing Date"), Series K-1 will acquire all of the assets of Mass Fund in exchange for shares of Series K-1 and the assumption of all of the liabilities of Mass Fund by Series K-1. Applicants state that following the acquisition of the assets of Mass Fund, Mass Fund will dissolve and terminate. Applicants state that each Mass Fund shareholder will be entitled to receive that proportion of the Series K-1 shares to be received by Mass Fund that the number of Mass Fund shares owned by such shareholders bears to the number of Mass Fund shares outstanding on the

date of exchange. Applicants state further that full shares and, to the extent necessary, a fractional share of Series K-1 equal in aggregate net asset value to the aggregate net asset value of Mass Fund are to be issued by Series K-1 in exchange for the assets of Mass Fund. The value of the exchanged Series K-1 shares and Mass Fund's assets acquired by Series K-1 will be determined using the valuation procedures applied to the assets of Series K-1, as set forth in its trust agreement and current prospectus.

Applicants state that Keystone has agreed to provide, at no cost to the shareholders of Mass Fund, account insurance to all individual shareholders of Mass Fund on the Closing Date who continue to maintain their investments and reinvest all dividends and capital gains distributions on those Series K-1 shares that they receive in connection with the reorganization. The insurance is intended to guarantee that the value of a former Mass Fund shareholder's Series K-1 account on the date of such shareholder's death will be no less than the value of his Mass Fund account on the Closing Date, reduced by the proportionate amounts of any redemptions in his Series K-1 account. Applicants deem this insurance arrangement not to require exemptive relief under section 17(d) of the Act and seek no such relief in the application.

Applicants state that Mass Fund and Series K-1 each have agreed to declare and pay a dividend to their respective shareholders prior to completion of the reorganization of all of their respective undistributed investment company taxable income and any net realized capital gain (to the extent not offset by a capital loss carryover) through the Closing Date. Applicants state that if not making such a distribution by Series K-1 would not materially adversely affect shareholders of Mass Fund in the reorganization, then any such net realized capital gain will not be distributed by Series K-1. Applicants further state that as of June 30, 1984, 0.75 percent of Mass Fund's net asset value represented net unrealized appreciation and the Series K-1 Fund had unrealized depreciation equal to 2.9 percent of its net asset value.

Applicants state that Series K-1 and Mass Fund will each bear the fees and expenses incurred by it in connection with the reorganization, except that under its investment advisory agreement with Mass Fund, Keystone will reimburse Mass Fund for the fees and expenses incurred for its proxy solicitation and for its meeting of shareholders. Series K-1 imposes a contingent deferred sales charge on

certain redemptions of its shares but such charge will not be imposed on the redemption of any Series K-1 shares issued in the reorganization.

Applicants state that Keystone, a wholly-owned subsidiary of The Travelers Corporation ("Travelers"), is Mass Fund's investment adviser and Series K-1's corporate trustee. In addition, the Massachusetts Company, Inc. ("MassCo."), also a wholly-owned subsidiary of Travelers, as trustee of approximately 5,972 trusts owns approximately 96.6 percent of the outstanding shares of Mass Fund and as trustee of approximately 237 trusts owns 2 percent of the outstanding shares of Series K-1. Applicants submit that they may be deemed affiliated persons of each other for purposes of the prohibitions of sections 17(a) (1) and (2) of the Act. The proposed reorganization may also be deemed to involve a joint enterprise or other joint arrangement for purposes of section 17(d) of the Act and Rule 17d-1 thereunder.

Applicants assert that the terms of the proposed reorganization are consistent with the standards of sections 6(c) and 17(b) of the Act and Rule 17d-1 under the Act. The Board of Trustees of Mass Fund, including a majority of the Trustees who are not interested persons of Mass Fund or Series K-1, has approved the proposed reorganization and recommended that it be submitted to the shareholders of Mass Fund for their approval. Applicants further assert that the Board of Directors of Keystone, including those Directors of Keystone, who have in various other contexts performed the functions of independent Directors of Series K-1, has approved the proposed reorganization.

Applicants assert that, in connection with its approval of the proposed reorganization and its decision to recommend the transaction to shareholders for their approval, the Board of Trustees of Mass Fund were concerned with: (1) The pattern of net redemptions experienced by Mass Fund, (2) the possible effect of adopting the sales load structure of the Predecessor, and (3) Mass Fund's continued ability to obtain high-quality management services without increases in marginal costs (although the proposed reorganization is expected to result in increased aggregate costs to Mass Fund shareholders). However, the combined fund will pay management fees at an incremental rate lower than either would pay on a stand-alone basis. Furthermore, after the proposed reorganization, Mass Fund shareholders will become shareholders of a fund with the same investment manager, an

improved investment performance and an active, viable distribution program. Applicants further submit that Mass Fund shareholders are expected to benefit from the greater diversification of security holdings possible in a combined Mass Fund-Series K-1 portfolio.

Applicants assert that the advantages of the proposed reorganization to Mass Fund shareholders outweigh any disadvantages represented by the structural differences between Mass Fund and Series K-1. Applicants state that Mass Fund shareholders have one vote per share on the initial election of a Board of Trustees and in certain elections of their replacements. Shareholder approval is also required for amendment of the Declaration of Trust, for retention of any investment adviser or manager, and for filing or maintaining a court action, proceeding or claim on behalf of Mass Fund or its shareholders. Applicants state further that Series K-1 shareholders have one vote per share only on certain matters. Applicants state that, although Series K-1 shareholders are not called upon to approve the continuance of Keystone as corporate trustee, Series K-1 shareholders have the voting rights provided by sections 13(b), 16(c) and 32(a) of the Act.

Applicants assert that the proposed reorganization is in the interest of Series K-1 shareholders because the incremental rate of management fees applied to the combined funds will be lower than Series K-1 would separately pay.

Applicants further assert that the proposed reorganization will benefit the shareholders of Series K-1 because the increase in net assets may allow greater diversification of investment. Applicants state that the increase in diversification will be achieved without the transaction costs Series K-1 would incur were it to invest a similar amount of cash.

Applicants assert that the proposed reorganization is consistent with the policies of Series K-1 and Mass Fund. Applicants assert that the investment policies and restrictions of Series K-1 and Mass Fund are similar. Applicants state that Mass Fund's portfolio securities are suitable investments for Series K-1 and no realignment of Mass Fund's portfolio is expected solely as a result of the proposed reorganization. Applicants assert that, although Series K-1's objectives are more focused on income, Mass Fund's Board of Trustees believes that Series K-1 is a suitable investment for Mass Fund shareholders.

Applicants submit that Rule 17a-8 under the Act would exempt them from the prohibitions of section 17(a) of the

Act but for MassCo's ownership of Mass Fund (and possibly Series K-1) shares as trustee. Applicants submit that the Board of Trustees of Mass Fund and the Board of Directors of Keystone, on behalf of Series K-1, have made the determinations required by Rule 17a-8 under the Act. Applicants further submit that MassCo has agreed to vote Mass Fund shares held in trust according to the instructions of the beneficiary or the settlor of the trust and not to vote those shares that are not subject to instructions.

Applicants assert that granting the requested exemption from the provisions of section 19(b) of the Act and Rule 19b-1 thereunder is appropriate under the exemptive standards of section 6(c) of the Act. Applicants state that section 19(b) of the Act is designed to prevent realized capital gains from being distributed to shareholders in a manner indicating such distributions to be part of regular dividends from investment income. Applicants propose to distribute any investment company taxable income and realized capital gain prior to the Closing Date. Applicants represent that the distributions would be made in connection with the reorganization for tax and accounting purposes. Accordingly, Applicants submit that the distribution of any net realized capital gains to Mass Fund and Series K-1 shareholders prior to the reorganization will not result in any of the abuses addressed by section 19(b) of the Act and Rule 19b-1 thereunder.

Applicants assert that the terms of the proposed reorganization are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed reorganization is consistent with the policies of Applicants recited in their respective registration statements and reports filed under the Act and with the general purposes of the Act. Applicants further assert that the participation of Mass Fund and Series K-1 in the proposed reorganization is consistent with the provisions, policies and purposes of the Act and is not on a basis different from or less advantageous than that of the other participants.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 15, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants

at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Acting Secretary.

[FR Doc. 84-25295 Filed 9-21-84; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 14165; (812-5884)]

Safeco Tax-Free Money Market Fund, Inc.; Filing of Application for Exemption

September 19, 1984.

Notice is hereby given that Safeco Tax-Free Money Market Fund, Inc. ("Applicant"), Safeco Plaza, Seattle, WA 98185, an open-end, diversified, management investment company registered under the Investment Company Act 1940 (the "Act"), filed an application on June 28, 1984, and an amendment thereto on September 7, 1984, for an order of the Commission, pursuant to section 6(c) of the Act, exempting Applicant from the provisions of sections 2(a)(41) and 12(d)(3) of the Act to the extent necessary to permit Applicant to acquire rights to sell its portfolio securities to broker-dealers and to determine such rights have a fair value of zero. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and to the Act and rules thereunder for the text of the applicable provisions.

Applicant states that it will invest in a diversified portfolio of municipal obligations which have a stated maturity of not more than one year from the date of settlement. Applicant further states that it intends to invest as fully as possible in tax-exempt securities; however, Applicant reserves the right to invest, under normal conditions, up to 20% of its assets in taxable securities.

The application states that a stand-by commitment (commonly referred to as a "put") is the right of a purchaser of municipal obligations to sell the same principal amount of such securities back to the seller at purchaser's option at a specified price. It further states that Applicant's investment policies permit the acquisition of stand-by commitments

from banks and broker-dealers solely to facilitate portfolio liquidity. According to the application, the acquisition or exercise of a stand-by commitment will not effect the valuation or maturity of Applicant's underlying portfolio which will be valued in accordance with Rule 2a-7 under the Act.

Applicant contends that it must be able to enter into stand-by commitments in order to achieve a reasonable level of liquidity to permit it to honor redemption orders received from shareholders. According to Applicant, because maturity dates of the municipal obligations Applicant expects to hold in its portfolio will be relatively infrequent and non-negotiable, Applicant will be unable to rely on scheduled maturities to meet net redemptions. In addition, Applicant expects the regular settlement on sales of its portfolio securities to take at least five business days. Applicant represents that, unless other arrangements assuring immediate liquidity have been made, the negotiation of same-day settlements on sales of municipal obligations may be impossible to achieve or may require Applicant to receive a less favorable execution price on the sale even though the securities sold have a short remaining maturity. Applicant further represents that investment techniques used by taxable money market funds in order to assure liquidity are not viable options because they are expensive and would produce taxable income.

Applicant represents that each stand-by commitment it acquires from brokers or dealers: (1) Will be in writing and physically held by Applicant's custodian; (2) will be exercisable by Applicant at any time prior to the underlying securities' maturity; (3) will provide Applicant with an unconditional and unqualified right to exercise it; (4) will be entered into only with brokers or dealers who in the investment adviser's opinion present a minimal risk of default; (5) will not be transferable, although the municipal obligations purchased subject to such commitments may be sold to a third party at any time, even though the stand-by commitment remains outstanding; and (6) will have an exercise price equal to (a) Applicant's acquisition cost of the municipal obligations which are subject to the commitment (excluding any accrued interest which Applicant paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period Applicant owned the securities, plus (b) all interest accrued on the securities since the last interest payment date during the period

Applicant owned the securities. Applicant expects that stand-by commitments generally will be available without the payment of any direct or indirect consideration. Applicant may, however, if necessary or advisable, pay for a stand-by commitment, either in cash or by paying a higher price for portfolio securities which are acquired subject to such a commitment. Applicant also represents that the total amount "paid" in either manner for outstanding stand-by commitments held in its portfolio will not exceed one-half of 1% of the value of Applicant's total assets calculated immediately after any stand-by commitment is acquired.

Applicant asserts that it is difficult to evaluate the extent to which Applicant may use or the potential benefit to Applicant of a stand-by commitment. Applicant states, if this order is granted, its board of directors will determine that stand-by commitments have a "fair value" of zero, regardless of whether any direct or indirect consideration is paid. Applicant further states that where it has paid for a stand-by commitment, its cost will be reflected as unrealized depreciation for the period during which the commitment is held. Applicant expects to refrain from exercising the stand-by commitments in such a situation where exercising would impose a loss on the broker or dealer and jeopardize Applicant's business relationship with that broker or dealer.

Applicant believes that the relief is appropriate, in the public interest and consistent with the protection of investors. Applicant submits that the proposed acquisition of stand-by commitments will not affect its net asset value per share for the purposes of sales and redemptions and will not pose new investment risks, but rather will improve its liquidity and ability to pay redemption proceeds. Applicant further submits that its investment adviser will periodically evaluate the credit of brokers and dealers who issue stand-by commitments to Applicant.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 15, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the

request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-25297 Filed 9-21-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. IP84-15; Notice 1]

U-Haul International; Petition for Determination of Inconsequential Noncompliance

U-Haul International of Phoenix, Arizona, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 13 *et seq.*) for a noncompliance with 49 CFR 571.120, Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Vehicles Other Than Passenger Cars*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

U-Haul International is the importer of certain utility trailer kits manufactured by Ever Young Industries Co. Limited of Taiwan. As an importer for resale, U-Haul International is a "manufacturer" as defined by 15 U.S.C. 1391(5), and accordingly, responsible for notification and remedy of noncompliances with the Federal motor vehicle safety standards in the products that it imports. U-Haul International has discovered noncompliances with Motor Vehicle Safety Standard No. 120 in approximately 920 kits which have been distributed to its affiliates for sale to the general public.

Specifically, the rims are not marked with any of the five items of information required by paragraph S5.2. These are a designation which indicates the source of the rim's published nominal dimensions, the rim size designation, the symbol DOT constituting a certification

of compliance, a designation that identifies the manufacturer of the rim by name, trademark, or symbol, and the date of manufacture.

Petitioner argued that the noncompliance is inconsequential as it relates to motor vehicle safety because the wheel rims otherwise comply with Federal requirements, and the absence of markings, in its opinion, does not pose a threat of personal injury to the user. If the petition is not granted, U-Haul International proposes to remedy the noncompliance by sending decals to purchasers of the kits, and by replacing nonconforming rims in unsold kits with conforming ones.

Interested persons are invited to submit written data, views and arguments on the petition of U-Haul International described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are A.Y. Casanova and Taylor Vinson, respectively.

Comment closing date: October 24, 1984.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 18, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84-25212 Filed 9-21-84; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in August 1984. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
970-X	DOT-E 970	Callery Chemical Co., Callery, PA	49 CFR 173.21(b), 173.300, 173.302(g)	To authorize use of DOT Specification 3AA2015 or 3AA2400 cylinders, for transportation of a flammable poisonous gas. (Modes 1, 2.)
970-X	DOT-E 970	U.S. Department of Defense Washington, DC	49 CFR 173.21(b), 173.300, 173.302(g)	To authorize use of DOT Specification 3AA2015 or 3AA2400 cylinders, for transportation of a flammable poisonous gas. (Modes 1, 2.)
1479-X	DOT-E 1479	Jet Propulsion Laboratory Pasadena, CA	49 CFR 173.315(a)(1)	To authorize use of non-DOT specification cargo tanks, for transportation of liquefied fluorine and mixture of liquefied fluorine and liquefied oxygen. (Mode 1.)
2462-X	DOT-E 2462	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE	49 CFR 173.73(b)	To authorize shipment of certain lead azide in glass bottles overpacked in non-DOT specification wooden boxes. (Mode 1.)
2587-X	DOT-E 2587	Liquid Air Corporation, San Francisco, CA	49 CFR 173.315(a)(1)	To authorize shipment of liquid oxygen in non-DOT specification cargo tanks. (Mode 1.)
2587-P	DOT-E 2587	Albany-Edison Oxygen Company, Albany, NY	49 CFR 173.315(a)(1)	To become a party to Exemption 2587. (Mode 1.)
2709-P	DOT-E 2709	Atlantic Research Corporation, Camden, AR	49 CFR 173.52, 173.93, 177.821, 177.834(L)(1), 177.835(k)	To become a party to Exemption 2709. (Mode 1.)
2787-X	DOT-E 2787	Raytheon Company, Andover, MA	49 CFR 173.302(a)(1), 175.3	To authorize shipment of certain nonflammable compressed gas, in non-DOT specification pressure vessels equipped with a regulating valve, a pressure relief valve, and a squib actuated valve. (Modes 1, 2, 3, 4.)
3121-X	DOT-E 3121	U.S. Department of Defense Washington, DC	49 CFR 173.336(a), 177.841(b)	To authorize an additional cargo tank for shipment of liquid nitrogen tetroxide. (Mode 1.)
3126-X	DOT-E 3126	Hercules, Incorporated, Wilmington, DE	49 CFR 173.62, 177.821, 177.822(b), 177.835(k)	To authorize transport of Class A explosives in DOT Specification 5 metal drums, or in DOT Specification 42B aluminum drums. (Mode 1.)
3216-X	DOT-E 3216	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE	49 CFR 173.314(c)	To authorize use of a proposed DOT Specification 110A3000W tank car tank, for transportation of certain flammable compressed gases. (Modes 1, 3.)
3216-X	DOT-E 3216	Pennwalt Corporation, Philadelphia, PA	49 CFR 173.314(c)	To authorize use of a proposed DOT Specification 110A3000W tank car tank, for transportation of certain flammable compressed gases. (Modes 1, 3.)
3941-X	DOT-E 3941	Aerojet Strategic Propulsion Company, Sacramento, CA	49 CFR 173.239(a)(2)	To authorize transport of ammonium perchlorate in non-DOT specification aluminum portable tanks. (Modes 1, 2.)
3941-X	DOT-E 3941	Aerojet Tactical Systems Company, Sacramento, CA	49 CFR 173.239(a)(2)	To authorize transport of ammonium perchlorate in non-DOT specification aluminum portable tanks. (Modes 1, 2.)
3941-X	DOT-E 3941	Kerr-McGee Chemical Corporation, Oklahoma City, OK	49 CFR 173.239(a)(2)	To authorize transport of ammonium perchlorate in non-DOT specification aluminum portable tanks. (Modes 1, 2.)
4039-X	DOT-E 4039	Airco Industrial Gases, Murray Hill, NJ	49 CFR 173.316(a)	To authorize shipment of liquefied hydrogen in a non-DOT Specification vacuum insulated portable tank. (Mode 1.)
4108-X	DOT-E 4108	Messer Griesheim Industries, Inc., Valley Forge, PA	49 CFR 173.315(a)	To authorize shipment of liquefied argon, nitrogen and oxygen in a non-DOT Specification insulated portable tank. (Mode 1.)
4108-P	DOT-E 4108	Liquid Air Corporation, San Francisco, CA	49 CFR 173.315(a)	To become a party to Exemption 4108. (Mode 1.)
4108-X	DOT-E 4108	Purity Cylinder Gases, Inc., Grand Rapids, MI	49 CFR 173.315(a)	To authorize shipment of liquefied argon, nitrogen and oxygen in non-DOT specification insulated cargo tanks. (Mode 1.)
4607-X	DOT-E 4607	Armstrong Laboratories, Inc., West Roxbury, MA	49 CFR 173.306(a)(3)	To authorize transport of nonflammable, nonpoisonous compressed gas, in an inside plastic coated glass bottle. (Modes 1, 2, 3, 4.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
4734-X	DOT-E 4734	General Electric Co., Waterford, NY	49 CFR 173.135(a)(9), 173.136(a)(8), 173.250(a)(8)	To authorize use of modified DOT Specification MC-331 cargo tanks, for transportation of certain flammable liquids and corrosive materials. (Mode 1.)
5206-P	DOT-E 5206	Kesco, Incorporated, Kittanning, PA	49 CFR 173.114a	To become a party to Exemption 5206. (Mode 1.)
5243-P	DOT-E 5243	Appalachian Explosives, Inc., Romney, WV	49 CFR 173.103(a), 173.66(g)(1), 177.835(g)	To become a party to Exemption 5243. (Modes 1, 2, 3.)
5792-X	DOT-E 5792	Northern Petrochemical Company, Morris, IL	49 CFR 172.101, 173.314(c)	To authorize shipment of liquefied flammable gases in non-DOT specification vacuum insulated tank car tanks. (Mode 2.)
5967-X	DOT-E 5967	Rocket Research Corp., Redmond, WA	49 CFR 173.304(a)(2), 175.3, 178.44	Request to extend the service life restriction on pressure vessels covered by exemption. (Modes 1, 2, 4, 5.)
6121-X	DOT-E 6121	E.I. du Pont de Nemours & Company, Inc., Wilmington DE	49 CFR 179.220-19(c)	To authorize use of DOT Specification 115A60W1 and 115A60W8 tank car tanks, for transportation of a certain flammable liquid. (Mode 2.)
6126-P	DOT-E 6126	Laporte (United States) Inc., Saddle Brook, NJ	49 CFR 173.253(c)	To become a party to Exemption 6126. (Modes 1, 3.)
6154-X	DOT-E 6154	Uniroyal Chemical, Naugatuck, CT	49 CFR 173.154(a)(12), 178.205-16	To authorize transport of certain flammable solids in a modified DOT Specification 12B fiberboard box. (Modes 1, 2, 3.)
6263-X	DOT-E 6263	Amtrac, Incorporated, West Warwick, RI	49 CFR 173.302(a)(1)	To authorize transport of certain nonflammable compressed gases, in non-DOT specification welded, cylindrical or spherical, steel tanks. (Modes 1, 2.)
6305-P	DOT-E 6305	Appalachian Explosives, Inc., Romney, WV	49 CFR 173.113(a)(1)	To become a party to Exemption 6305. (Modes 1, 2.)
6392-X	DOT-E 6392	Northern Petrochemical Company, Morris, IL	49 CFR 172.101, 173.314(c)	To authorize use of non-DOT specification vacuum insulated tank car tanks, for transportation of a liquefied flammable compressed gas. (Mode 2.)
6442-X	DOT-E 6442	U.S. Department of Defense, Washington, DC	49 CFR 173.53(k), 173.87	To authorize transport of a 155mm high explosive projectile containing either a corrosive or flammable liquid in metal canister with an inner polyethylene container. (Modes 1, 2.)
6530-P	DOT-E 6530	The Great Plains Welding Supply Company, Cheyenne, WY	49 CFR 173.302(c)	To become a party to Exemption 6530. (Modes 1, 2.)
6530-P	DOT-E 6530	Brown Welding Supply, Inc., Salina, KS	49 CFR 173.302(c)	To become a party to Exemption 6530. (Modes 1, 2.)
6538-X	DOT-E 6538	Pan Products Inc., Macedonia, OH	49 CFR 173.304(d)(3)(ii), 178.33	To authorize use of a non-DOT specification inside nonrefillable metal container, for transportation of a certain flammable gas. (Modes 1, 3.)
6538-X	DOT-E 6538	Baltronic Marking Inc., Dorval, Que., Canada, NY	49 CFR 173.304(d)(3)(ii), 178.33	To authorize use of a non-DOT specification inside nonrefillable metal container, for transportation of a certain flammable gas. (Modes 1, 3.)
6538-X	DOT-E 6538	Optimus, Incorporated, Bridgeport, CT	49 CFR 173.304(d)(3)(ii), 178.33	To authorize use of a non-DOT specification inside nonrefillable metal container, for transportation of a certain flammable gas. (Modes 1, 3.)
6538-X	DOT-E 6538	Hanco International, Inc., North Miami Beach, FL	49 CFR 173.304(d)(3)(ii), 178.33	To authorize use of a non-DOT specification inside nonrefillable metal container, for transportation of a certain flammable gas. (Modes 1, 3.)
6543-X	DOT-E 6543	Airco Industrial Gases, Murray Hill, NJ	49 CFR 173.119, 173.135(a)(6), 173.136(a)(5), 173.245, 173.247, 173.271, 175.3	To authorize shipment of certain corrosive and flammable liquids in non-DOT specification 16 gauge, Type 304 stainless steel cylinders and/or 14 gauge Type 316 stainless steel cylinders. (Modes 1, 2, 3, 4.)
6611-X	DOT-E 6611	Air Products and Chemicals, Inc., Allentown, PA	49 CFR 173.318(a)	To authorize use of a non-DOT specification vacuum insulated portable tank, for transportation of a nonflammable gas. (Modes 1, 3.)
6611-P	DOT-E 6611	Teisan K.K., Tokyo, Japan	49 CFR 173.318(a)	To become a party to Exemption 6611. (Modes 1, 3.)
6651-X	DOT-E 6651	Park Chemical Company, Detroit, MI	49 CFR 173.28(h), 173.28(m)	To authorize one time reuse of single-trip containers, for transportation of certain Class B poisonous solids. (Mode 1.)
6651-X	DOT-E 6651	Mitchell-Bradford Chemical Co., INC., Milford, CT	49 CFR 173.28(h), 173.28(m)	To authorize one time reuse of single-trip containers, for transportation of certain Class B poisonous solids. (Mode 1.)
6651-X	DOT-E 6651	Enthone, Incorporated, New Haven, CT	49 CFR 173.28(h), 173.28(m)	To authorize one time reuse of single-trip containers, for transportation of certain Class B poisonous solids. (Mode 1.)
6724-X	DOT-E 6724	U.S. Department of Defense, Washington, DC	49 CFR 172.101, 173.89, 175.3	To authorize transport of caseless ammunition in an inside fiberboard box with egg crate separations and overpacked in a non-DOT specification strong wooden box. (Modes 1, 4.)
6765-X	DOT-E 6765	L'Air Liquide Corp., Paris, France	49 CFR 173.318(a), 176.76(h)(4)	To authorize use of non-DOT specification containerized portable tanks, for transportation of a flammable and nonflammable gas. (Modes 1, 3.)
6806-X	DOT-E 6806	Transfresh Corporation, Salinas, CA	49 CFR 173.302(a), 175.3	To authorize transport of a flammable gas in a DOT Specification 3E1800 cylinder by passenger carrying aircraft. (Mode 5.)
6890-X	DOT-E 6890	U.S. Department of Defense, Washington, DC	49 CFR 173.100(cc), 175.3	To authorize transport of an explosive severance system consisting of linear segments which may contain up to 79 grams of hexanitrostilbene. (Modes 1, 2, 3, 4.)
6890-X	DOT-E 6890	Explosive Technology, Inc., Fairfield, CA	49 CFR 173.100(cc), 175.3	To authorize transport of an explosive severance system consisting of linear segments which may contain up to 79 grams of hexanitrostilbene. (Modes 1, 2, 3, 4.)
6944-X	DOT-E 6944	U.S. Department of Defense, Washington, DC	49 CFR 173.62(a), 177.834(L)(1)	To authorize transport of a liquid high explosive in a specially designed stainless steel desiccator. (Mode 1.)
6960-X	DOT-E 6960	Pepsi-Cola Company, Purchase, NY	49 CFR Parts 100-199	To authorize use of DOT Specification and non-DOT specification stainless steel drums not presently authorized in the Hazardous Materials Regulations, for shipment of certain corrosive liquids. (Modes 1, 2, 3.)
6984-P	DOT-E 6984	Appalachian Explosives, Inc., Romney, WV	49 CFR 173.103(a), 173.66(g), 177.835(g)(2)(i)	To become a party to Exemption 6984. (Mode 1.)
6984-X	DOT-E 6984	Mesabi Powder Company, Hibbing, MN	49 CFR 173.103(a), 173.66(g), 177.8435(g)(2)(i)	To authorize packaging of 1000 or less electric blasting caps in inside pasteboard cartons or tubes, overpacked in an IME Standard 22 container. (Mode 1.)
6984-X	DOT-E 6984	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE	49 CFR 173.103(a), 173.66(g), 177.835(g)(2)(i)	To authorize packaging of 1000 or less electric blasting caps in inside pasteboard cartons or tubes, overpacked in an IME Standard 22 container. (Mode 1.)
6984-X	DOT-E 6984	Hercules, Incorporated, Wilmington, DE	49 CFR 173.103(a), 173.66(g), 177.835(g)(2)(i)	To authorize packaging of 1000 or less electric blasting caps in inside pasteboard cartons or tubes, overpacked in an IME Standard 22 container. (Mode 1.)
6984-P	DOT-E 6984	Controlled Blasting, Inc., Zellenople, PA	49 CFR 173.103(a), 173.66(g), 177.835(g)(2)(i)	To become a party to Exemption 6984. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6984-P	DOT-E 6984	Kesco, Inc., Kittanning, PA	49 CFR 173.103(a), 173.66(g), 173.835(g)(2)(i).	To become a party to Exemption 6984. (Mode 1.)
7052-P	DOT-E 7052	Eastman Kodak Company, Rochester, NY	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4.)
7052-P	DOT-E 7052	Tracor Applied Sciences, Inc., Rockville, MD	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4.)
7052-P	DOT-E 7052	Martin Marietta Corporation, Denver, CO	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4.)
7076-X	DOT-E 7076	LaMotte Chemical Products Company, Chestertown, MD	49 CFR 173.286(b)	To authorize packaging not prescribed in the Hazardous Materials Regulations, for transportation of a certain corrosive liquid and flammable liquid. (Modes 1, 2, 3.)
7085-X	DOT-E 7085	California Seal Control Corporation, San Pedro, CA	49 CFR 172.101, 173.100, 173.51(a)(7), 173.86	To authorize packaging not presently authorized by the Hazardous Materials Regulations, for shipment of class C explosives. (Modes 1, 2, 3.)
7097-X	DOT-E 7097	Plant Products Corporation, Vero Beach, FL	49 CFR 173.377(f)	To authorize shipment of dry mixtures of parathion and tetraethyl dithio pyrophosphate from specification packaging requirements. (Mode 1.)
7494-X	DOT-E 7494	Airco Industrial Gases, Murray Hill, NJ	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification cargo tanks, for transportation of certain nonflammable gases. (Modes 1, 3.)
7498-X	DOT-E 7498	Allied Chemical, Morristown, NJ	49 CFR 173.263(a)(15), 178.210	To authorize shipment of a corrosive liquid in a non-DOT specification corrugated polypropylene box. (Modes 1, 2, 3, 4.)
7544-X	DOT-E 7544	Eastman Kodak Company, Rochester, NY	49 CFR 173.245, 173.249, 173.272	To authorize transport of solutions of sodium hydroxide and certain other liquid corrosives, or other liquid corrosive materials in a DOT Specification 2U polyethylene inside container, overpacked in a non-DOT specification fiberboard box. (Modes 1, 2, 3.)
7546-X	DOT-E 7546	Grumman Aerospace Corporation, Bethpage, NY	49 CFR 173.119, 173.302(a)(1), 173.304(a), 173.305(a), 173.34(d), 175.3	To authorize use of a heat pipe radiator assembly for shipment of certain flammable liquids and nonflammable and flammable compressed gases. (Modes 1, 3, 4.)
7558-X	DOT-E 7558	Union Carbide Corporation, Danbury, CT	49 CFR 173.318(a)(1)	To renew, to make certain proper shipping name, retest and travel time changes in consonance with Docket HM-115 rulemaking. (Modes 1, 3.)
7654-X	DOT-E 7654	Mallinckrodt, Inc., Paris, KY	49 CFR 173.119(f)	To authorize use of a glass bottle not exceeding 500 milliliter capacity inside a metal container overpacked in a DOT Specification 12B fiberboard box, for transportation of a flammable liquid. (Modes 1, 2.)
7767-X	DOT-E 7767	Walter Kidde, Wilson, NC	49 CFR 173.304(a)(1), 175.3, 178.47	To authorize manufacture, marking and sale of non-DOT specification welded steel cylinders, for transportation of nonflammable compressed gases. (Modes 1, 2, 3, 4, 5.)
7827-X	DOT-E 7827	KemaNord A.B., Stockholm, Sweden	49 CFR 173.163	To authorize transport of a certain oxidizing material in a freight container. (Modes 1, 2, 3.)
7835-P	DOT-E 7835	Landeon Welding Supplies, Inc., Oregon City, OR	49 CFR 177.848, Part 107 Appen. B(1)	To become a party to Exemption 7835. (Mode 1.)
7876-X	DOT-E 7876	Allied Corporation, Morristown, NJ	49 CFR 173.299(a), 175.3	To authorize shipping description etching acid, liquid, n.o.s. to be used for products which do not comply with the definition in 49 CFR 173.229(a). (Modes 1, 2, 3, 4.)
7885-X	DOT-E 7885	The Mercold Corporation, Chicago, IL	49 CFR 173.1200, 173.123, 173.347, 175.3	To authorize use of non-DOT specification non-refillable metallic inside containers, for shipment of certain hazardous materials. (Modes 1, 2, 3, 4, 5.)
7959-X	DOT-E 7959	Woods Hole, Marthas Vineyard & Nantucket Steamship, Woods Hole, MA	49 CFR 172.101, 176.78(k)	To authorize stowage of recreational vehicles carrying liquefied petroleum gas for heating and cooking on the vehicle deck of passenger-carrying ferries and other passenger-carrying vessels. (Mode 3.)
7991-X	DOT-E 7991	Union Pacific Railroad Company, Omaha, NE	49 CFR Parts 100-177	To authorize transport of railway track torpedoes and fuses in flagging kits of specified construction. (Mode 1.)
8006-P	DOT-E 8006	Strombecker Corporation, Chicago, IL	49 CFR 172.400(a), 172.504 Table 2	To become a party to Exemption 8006. (Mode 1.)
8006-P	DOT-E 8006	Esquire Novelty Corp., Amsterdam, NY	49 CFR 172.400(a), 172.504 Table 2	To become a party to Exemption 8006. (Mode 1.)
8017-X	DOT-E 8017	Air Products and Chemicals, Inc., Allentown, PA	49 CFR 173.301(d)(2), 173.302(a)(3)	To authorize use of DOT Specification 3AX, 3AAX, or 3T cylinders, for transportation of a flammable gas. (Mode 1.)
8080-X	DOT-E 8080	Allied Chemical, Morristown, NJ	49 CFR 173.164	To authorize DOT Specification 111A100W2 tank car tanks which have been converted to DOT Specification 111A100W1 with a sparger system as additional containers. (Mode 2.)
8156-X	DOT-E 8156	Air Products and Chemicals, Inc., Allentown, PA	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1)	To authorize transport of certain flammable or nonflammable compressed gases and carbon bisulfide in a DOT Specification 39 steel cylinder up to 225 cubic inches in volume. (Modes 1, 2.)
8156-X	DOT-E 8156	Cryogenic Rare Gas Labs., Inc., Metuchen, NJ	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1)	To authorize transport of certain flammable or nonflammable compressed gases and carbon bisulfide in a DOT Specification 39 steel cylinder up to 225 cubic inches in volume. (Modes 1, 2.)
8236-X	DOT-E 8236	Talley Industries of Arizona, Inc., Mesa, AZ	49 CFR 173.153, 173.154, 175.3	To renew and to authorize a new electric squib design. (Modes 1, 2, 3, 4.)
8236-X	DOT-E 8236	Ford Motor Company, Dearborn, MI	49 CFR 173.153, 173.174, 175.3	To authorize the shipment of a passive restraint system, and the inflator therefore, containing a class B explosive as a flammable solid. (Modes 1, 2, 3, 4.)
8387-X	DOT-E 8387	FMC Corporation, Philadelphia, PA	49 CFR 173.266(e)	To authorize transport of hydrogen peroxide in DOT Specification MC-312 cargo tank aboard cargo vessel. (Mode 3.)
8390-X	DOT-E 8390	Allied Corporation, Morristown, NJ	49 CFR 173.272, 178.210, 178.24a	To authorize shipment of 95%-98% sulfuric acid in DOT Specification 2E polyethylene bottles overpacked in DOT Specification 12A80 fiberboard boxes. (Mode 1.)
8390-X	DOT-E 8390	Ashland Oil, Inc., Columbus, OH	49 CFR 173.272, 178.210, 178.24a	To authorize shipment of 95%-98% sulfuric acid in DOT Specification 2E polyethylene bottles overpacked in DOT Specification 12A80 fiberboard boxes. (Mode 1.)
8390-X	DOT-E 8390	Mallinckrodt, Inc., Paris, KY	49 CFR 173.272, 178.210, 178.24a	To authorize shipment of 95%-98% sulfuric acid in DOT Specification 2E polyethylene bottles overpacked in DOT Specification 12A80 fiberboard boxes. (Mode 1.)
8390-X	DOT-E 8390	J.T. Baker Chemical Co., Phillipsburg, NJ	49 CFR 173.272, 178.210, 178.24a	To authorize shipment of 95%-98% sulfuric acid in DOT Specification 2E polyethylene bottles overpacked in DOT Specification 12A80 fiberboard boxes. (Mode 1.)
8409-X	DOT-E 8409	EM Science, A Division of EM Industries, Inc., Cincinnati, OH	49 CFR 173.264(a)(4), 178.210	To authorize shipment of hydrofluoric acid solution no greater than 70% strength, in non-DOT Specification polyethylene bottles, not exceeding a capacity of 6 liters, packed in DOT specification 12A fiberboard boxes. (Modes 1, 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8410-X	DOT-E 8410	EM Science, A Division of EM Industries, Inc., Cincinnati, OH.	49 CFR 173.269(a)(1)	To authorize shipment of perchloric acid no greater than 72% strength in glass bottles, not exceeding a capacity of 2.5 liters, packed in non-DOT specification IMCO 4C2 wooden boxes. (Modes 1, 3.)
8437-X	DOT-E 8437	Park Chemical Company, Detroit, MI	49 CFR 173.154, 178.241-4	To authorize shipment of a sodium nitrate mixture in non-DOT specification, nine mil plastic bags of 50 pounds net weight and which are stretch-wrapped 40 bags to a pallet. (Mode 1.)
8450-X	DOT-E 8450	Vought Corporation, Dallas, TX	49 CFR 173.92	To authorize transport of rocket motors without igniters, in non-DOT Specification polyethylene containers. (Mode 1.)
8457-X	DOT-E 8457	Duracell U.S.A., Tarrytown, NY	49 CFR Parts 100-177	To authorize transport of an electronic device containing one lithium cell which meets certain prescribed requirements. (Modes 1, 2, 3, 4, 5.)
8489-X	DOT-E 8489	Degussa Corporation, Teterboro, NJ	49 CFR 173.154, 173.182, 173.217, 173.245b	To authorize shipment of certain oxidizers, a poison B, waste arsenical mixture, and a corrosive material in collapsible polyethylene-lined, woven polypropylene bags having a capacity not exceeding 2200 pounds each. (Modes 1, 2, 3.)
8489-X	DOT-E 8489	FMC Corporation, Philadelphia, PA	49 CFR 173.154, 173.182, 173.217, 173.245b	To authorize shipment of certain oxidizers, a poison B, waste arsenical mixture, and a corrosive material in collapsible polyethylene-lined, woven polypropylene bags having a capacity not exceeding 2200 pounds each. (Modes 1, 2, 3.)
8490-X	DOT-E 8490	Houghton Chemical Corporation, Allston, MA	49 CFR 173.245(a)(31)	To authorize use of a fiberglass insulated DOT Specification MC-306 cargo tank, for shipment of certain corrosive materials. (Mode 1.)
8509-P	DOT-E 8509	American Hoechst Corporation, Somerville, NJ	49 CFR 173.263(a)(9), 179.201-1	To become a party to Exemption 8509. (Mode 2.)
8690-X	DOT-E 8690	Air Products and Chemicals, Inc., Allentown, PA	49 CFR 173.34(d)(5)	To authorize shipment of nitrosyl chloride in DOT Specification 3BN400 cylinders without safety relief devices. (Mode 1.)
8693-P	DOT-E 8693	CAN-TRO Chemical and Oil Co., Inc., Kansas City, MO	49 CFR 173.230	To become a party to Exemption 8693. (Modes 1, 3.)
8732-X	DOT-E 8732	Ashland Services Company, Columbus, OH	49 CFR 173.245	To authorize use of a DOT Specification MC-303 and MC-306 cargo tanks, made of aluminum or steel for transportation of a corrosive material. (Mode 1.)
8733-X	DOT-E 8733	ICI Americas, Incorporated, Wilmington, DE	49 CFR 173.315	To authorize shipment of various refrigerant gases, classed as nonflammable gases in non-DOT specification portable tanks constructed in accordance with ASME Section VIII and DOT Specification 51, but not certified. (Modes 1, 2, 3.)
8739-X	DOT-E 8739	Kerr Steamship Company, Inc., Seattle, WA	49 CFR 173.1075, 176.30	To authorize carriage of hand wrapped newspaper bundles of paper scraps in a freight container with the total weight of the container listed on the dangerous cargo manifest. (Mode 3.)
8747-X	DOT-E 8747	Copps Industries, Inc., Menomonee Falls, WI	49 CFR 173.245, 173.249, 175.3	To authorize shipment of certain alkaline corrosive liquids, n.o.s., in an unlined 28/26 gauge DOT Specification 37C80 steel drum of five gallon capacity. (Modes 1, 2, 3, 4.)
8758-X	DOT-E 8758	Union Carbide Corporation, Danbury, CT	49 CFR 173.318(a)	To renew, to increase the water capacity of the LTM-1600 tank from 1550 to 1670 and the LTM-2000 tank from 1950 to 2100 gallons, and to increase the 2 year retest period to 5 years. (Mode 1.)
8781-X	DOT-E 8781	Mausser-Werke, GmbH (Mausser Packaging Ltd.), New York, NY	49 CFR 171.12(c), 178.115-6(a)	To authorize manufacture, marking and sale of non-DOT specification steel drums of one millimeter thickness, to be used in place of 20/18 gauge, 55-gallon capacity DOT Specification 17E drums, for transportation of various hazardous materials. (Modes 1, 2, 3.)
8792-X	DOT-E 8792	Digital Equipment Corporation, Northborough, MA	49 CFR Parts 100-199	To authorize small quantities of isopropyl alcohol in a saturated pad, sealed in a plastic coated foil pack, overpacked not to exceed 250 packs per strong outside box, as essentially non-regulated. (Modes 1, 2, 3.)
8809-X	DOT-E 8809	Continental Group, Inc., Lombard, IL	49 CFR 178.225, Part 173	To authorize manufacture, marking and sale non-DOT specification fibre drum overpacks for 15-gal capacity inner polyethylene container, similar to DOT-21P/2U except top head is molded polyolefin polymer secured to drum by wire stitches for shipment of commodities authorized in DOT-21P/2U composite. (Modes 1, 2, 3.)
8812-X	DOT-E 8812	The Protectoseal Co., Bensenville, IL	49 CFR 173.119, 178.89	To authorize manufacture, marking and sale non-DOT specification metal drums of 5-gallon capacity and comparable to DOT Specification 5L, for shipment of gasoline and gasohol, classed as flammable liquids. (Modes 1.)
8816-X	DOT-E 8816	Hunt-Wesson Foods, Inc., Fullerton, CA	49 CFR 172.504(a)	To authorize rail boxcar shipment of matches, strike anywhere, packed in compliance with 49 CFR 173.176 and in a quantity not to exceed 2,000 pounds without placarding the rail boxcar. (Mode 2.)
8817-X	DOT-E 8817	Allied Corporation, Morristown, NJ	49 CFR 173.274(a) ((1), Note 1)	To authorize shipment of fluosulfonic acid in non-DOT specification acid-resistant screw cap glass bottles, overpacked in metal can, packed in a DOT Specification 15A, 15B, 15C, 16A, or 18A wooden box. (Modes 1, 2, 3.)
8826-X	DOT-E 8826	Phoenix Air, Marietta, GA	49 CFR 172.101, 172.204(c) (3), 173.27, 175.30(a) (1), 175.320(b), Part 107 Appendix B	To authorize carriage of certain Class A, B and C explosives that are in quantities greater than those prescribed for shipment by air. (Mode 4.)
8852-X	DOT-E 8852	Procter & Gamble Company, Cincinnati, OH	49 CFR 173.119(b) (4), 178.210	To authorize shipment of a certain flammable liquid, n.o.s., in polyethylene terephthalate bottles of two-liter capacity, packed no more than four to a DOT Specification 12B-30 corrugated fiberboard box. (Modes 1, 2.)
8860-X	DOT-E 8860	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE	49 CFR 173.31(c), Retest Table 1	To authorize use of DOT Specification 103CW and 103EW tank cars with extended retest periods, for transportation of certain corrosive materials and oxidizers. (Mode 2.)
8862-X	DOT-E 8862	Union Carbide Corporation, Danbury, CT	49 CFR 173.119, 173.305	To authorize shipment of propylene oxide, classed as a flammable liquid, in DOT Specification 5P lagged steel drums. (Mode 1.)
8865-X	DOT-E 8865	Moog Inc., East Aurora, NY	49 CFR 173.302(a), 175.3	To authorize use of nonrefillable, non-DOT specification cylinders, for transportation of a nonflammable gas. (Modes 1, 2, 4.)
8870-X	DOT-E 8870	Everpure, Inc., Westmont, IL	49 CFR 172.101, 173.286, 175.3	To commingle compatible hazardous materials of various classifications packed in separate inside receptacles not exceeding 8 fluid ounces or 1/4 lb. packed inside a strong outside container, labeled according to the highest order of hazard, and described as chemical kit. (Modes 1, 2, 3, 4, 5.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8870-X	DOT-E 8870	Hach Company, Ames, IA	49 CFR 172.101, 173.286, 175.3	To commingle compatible hazardous materials of various classifications packed in separate inside receptacles not exceeding 8 fluid ounces or ½ lb. packed inside a strong outside container, labeled according to the highest order of hazard, and described as chemical kit. (Modes 1, 2, 3, 4, 5.)
8874-X	DOT-E 8874	Justus Enterprises of Kansas, Inc., Chanute, KS.	49 CFR 173.302, 175.3 178.46	To authorize manufacture, marking and sale of non-DOT specification aluminum cylinders made in compliance with DOT Specification 3AL with certain exception, for transportation of nonflammable gases. (Modes 1, 2, 3, 4, 5.)
8885-X	DOT-E 8885	Copps Industries, Inc., Menomonee Falls, WI.	49 CFR 173.245, 173.249, 175.3	To authorize shipment of certain alkaline corrosive liquids, n.o.s., in an unlined tin can, overpacked in a non-DOT specification removable head molded polyethylene pail of five or six-gallon capacity, also containing a nonhazardous resin mix. (Modes 1, 2, 3, 4.)
8893-X	DOT-E 8893	Trojan Corporation, Salt Lake City, UT	49 CFR 172.101	To authorize transport of a mixture containing, by weight, 10% trimethylethane trinitrate and 90% methanol, in non-DOT specification drums. (Mode 1.)
8903-X	DOT-E 8903	Teledyne McCormick Selph, Hollister, CA	49 CFR 172.101	To authorize transport of an initiating explosive, in plastic bottles, overpacked in DOT Specification 5, 5B, or 17H steel drums. (Mode 1.)
8919-X	DOT-E 8919	The Upjohn Company, Kalamazoo, MI	49 CFR Parts 100-199	To authorize transport of small quantities of a medical products containing ethyl alcohol in heat sealed glass ampules, packed in a corrugated outside fiberboard box. (Modes 1, 4, 5.)
8932-X	DOT-E 8932	Catalyst Resources, Inc., Elyria, OH	49 CFR 173.119(m)	To authorize shipment of a flammable liquid which is also organic peroxide, in tank motor vehicles complying with DOT Specifications MC-307 and MC-312 cargo tanks. (Mode 1.)
8963-X	DOT-E 8963	Atlantic Research Corporation, Gainesville, VA.	49 CFR 173.88(e)(2)(ii)	To authorize transport of a rocket motor in a propulsive state, in a DOT Specification 15A wooden box. (Mode 1.)
9002-X	DOT-E 9002	PepsiCo, Inc., Purchase, NY	49 CFR 178.210-10(a)(2)	To authorize shipment of flavoring components in non-DOT specification fiberboard boxes with inside polyethylene bottles. (Modes 1, 2, 3.)
9050-X	DOT-E 9050	United Executive Jet, Inc., Chesterfield, MO.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize additional Class A explosives and to include various Class B and C explosives for carriage by air. (Mode 4.)
9056-X	DOT-E 9056	Hodgdon Powder Co., Inc., Shawnee Mission, KS.	49 CFR 173.93(a)	To authorize shipment of certain identified solid propellant explosives, in polyethylene bottles packed in DOT Specification 12B boxes. (Mode 1.)
9144-X	DOT-E 9144	Cajun Bag & Supply Company, Crowley, LA.	49 CFR 173.154, 173.182, 173.234, 173.245b.	To authorize sodium nitrite, classed as an oxidizer, as an additional commodity (Modes 1, 2.)
9170-P	DOT-E 9170	Transport Company, Inc., El Dorado, AR	49 CFR 173.245, 178.340-10, 178.340-8, 178.341-3, 178.341-4, 178.341-5, 178.341-7.	To become a party to Exemption 9170. (Mode 1.)
9221-P	DOT-E 9211	Maersk Line, Limited, New York, NY	49 CFR 146.29-35(f)	To become a party to Exemption 9211. (Mode 3.)
9211-P	DOT-E 9211	Waterman Steamship Corporation, New Orleans, LA.	49 CFR 146.29-35(f)	To become a party to Exemption 9211. (Mode 3.)
9222-X	DOT-E 9222	Wilms Trucking Company, Inc., Charleston Heights, SC.	49 CFR 173.119(b), 173.154	To authorize use of non-DOT specification metal tanks, for transportation of a flammable liquid or flammable solid. (Mode 1.)

New Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9238-N	DOT-E 9239	Kane Closures Inc., Westfield, NJ	49 CFR 173.119, 173.128, 178.118-6	To authorize manufacture, marking and sale of non-DOT Specification steel drum of 30-gallon capacity complying with DOT Specification 17H, except for 178.118-6, for shipment of traffic paint classed as flammable liquid. (Mode 1.)
9243-N	DOT-E 9243	Abatar, Inc., Winter Park, FL	49 CFR 173.111(a)(3), 175.30, Part 172, Subpart D, E.	To authorize shipment of a trick noise maker in outside packaging which are not required to be marked or labeled. (Modes 1, 2, 3, 4, 5.)
9265-N	DOT-E 9265	Guinn Flying Service, Houston, TX	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B and C explosives that are not permitted for shipment by air. (Mode 4.)
9270-N	DOT-E 9270	E.I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.264(b)(2), 179.101-1(a)	To authorize shipment of hydrogen fluoride, in DOT Specification 112A400W tank cars stenciled DOT Specification 112A200W. (Mode 2.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8009-P	DOT-E 8009	Oklahoma Gas Transport, Inc., Oklahoma City, OK.	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To become a party to Exemption 8009. (Mode 1.)
EE 8009-X	DOT-E 8009	Pressure Transport, Inc., Austin, TX	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To authorize use of DOT Specification 3AAX cylinders made of 4130X steel, for transportation of a compressed natural gas. (Mode 1.)
EE 9299-N	DOT-E 9299	United States Coast Guard, Washington, DC.	49 CFR Part 107, Appendix B, Parts 172 and 173.	To authorize transport of pellets containing aluminum phosphide in non-DOT specification metal drums. (Mode 3.)
EE 9300-N	DOT-E 9300	Air North, Fairbanks, AK	49 CFR 172.101(6)(b), 175.30	To authorize shipment of hydrochloric acid solution in DOT Specification 34 containers. (Mode 4.)
EE 9301-N	DOT-E 9301	Schlumberger Well Services, Rosharon, TX.	49 CFR 172.101, Column 6(b), 175.30, 175.320(a).	To authorize transport of shaped charges, commercial Class A explosives. (Mode 4.)
EE 9303-N	DOT-E 9303	Fastlane Shipping Corporation, Miami, FL	49 CFR 171.12, 173.86, 176.11	To authorize a foreign-flag vessel (M/V PATRICK) to transport packages of explosives which are described, classed, packaged, marked and labeled in accordance with the International Maritime Dangerous Goods Code through United States waters and to unload and load such packages of explosives. (Mode 3.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 9310-N	DOT-E 9310	Dresser Atlas, Houston, TX	49 CFR 172.101 column 6(b), 175.30, 175.320(a).	To authorize transportation of Class A and C explosives on cargo aircraft only. (Mode 4.)

WITHDRAWALS

Application No.	Applicant	Regulation(s) affected	Nature of Exemption Thereof
7543-X	Monsanto Company, Saint Louis, MO	49 CFR 173.154	To authorize shipment of a flammable solid in a DOT Specification 56 portable tank. (Modes 1, 4.)
9185-P	Hercules, Incorporated, Wilmington, DE	49 CFR 176.410(d)	To become a party to Exemption 9185. (Mode 3.)
9185-N	Atlas Powder International Ltd., Miami, FL	49 CFR 176.410(d)	To authorize shipment of ammonium nitrate fertilizer in either multiwall paper or plastic bags utilizing stevedoring slings and stretch wrapping, loaded aboard cargo vessels exempt from spacing criteria and location. (Mode 3.)

Denials

9185-N Request by Union Carbide Corporation, Danbury, CT; Taylor-Wharton, Division of Harsco Corporation, Easton, PA to authorize a new designed highly stressed, seamless steel cylinder, for use in transportation of compressed gasses denied August 3, 1984.

9189-X Request by Pacific Smelting Company, Torrance, CA to authorize shipment of zinc die cast skimming and certain other zinc residues in bulk in open top or partially covered rail cars or hopper trucks; or in uncovered drums loaded on motor vehicles denied August 30, 1984.

9177-N Request by Process Engineering Inc., Plaistow, NH to manufacture, mark and sell non-DOT specification 304 stainless steel portable tanks of 7300 gallon capacity for shipment of liquefied nitrogen, oxygen and argon, classed as nonflammable gas, not to exceed 40 psig denied August 14, 1984.

9257-N Request by Minnesota Valley Engineering, Inc., New Prague, MN to manufacture, mark and sell non-DOT specification cargo tanks for shipment of liquid nitrogen, oxygen or argon, classified as nonflammable gases denied August 15, 1984.

9264-N Request by Genus, San Marcos, CA to authorize shipment of tungsten hexafluoride classified as corrosive material in DOT Specification 3AL aluminum cylinders denied August 15, 1984.

Issued in Washington, DC, on September 13, 1984.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation, Bureau.

[FR Doc. 84-25119 Filed 9-21-84; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Customs Service

**Receipt of Domestic Interested Party
Petition Concerning Tariff
Classification of a Vehicle Known as a
"Unimog"**

AGENCY: U.S. Customs Service,
Department of the Treasury.

ACTION: Notice of receipt of domestic
interested party petition; solicitation of
comments.

SUMMARY: Customs has received a petition submitted on behalf of a domestic interested party requesting the reclassification of a vehicle known as a "Unimog". The petitioner contends the current tariff classification by Customs of the vehicle as a "tractor suitable for agricultural use" is incorrect and that it should be classified as an "automobile truck valued at \$1,000 or more for the transport of persons or articles". This document invites comments with regard to the correctness of the current classification.

DATE: Comments must be received on or before November 23, 1984.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: John Valentine, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, 202-566-8181.

SUPPLEMENTARY INFORMATION:**Background**

A petition has been filed under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), on behalf of an American manufacturer of rotary snow blowers and snow removal equipment. The petitioner contends that an imported vehicle known as a "Unimog", currently classified by Customs as a "tractor suitable for agricultural use" under item 692.34, Tariff Schedules of the United States (TSUS; 19 U.S.C. 1202), is more accurately classifiable as an "automobile truck valued at \$1,000 or more for the transport of persons or articles" and thus should be classified for Customs purposes under item 692.02,

TSUS. The tractor classification results in the importation of "Unimogs" free of duty, whereas the automobile truck classification would carry a 25 percent ad valorem rate of duty under item 945.69, TSUS, because articles classified under item 692.02, TSUS, are subject to a temporary tariff modification pursuant to section 252 of the Trade Expansion Act of 1962 (Pub. L. 87-794).

The "Unimog" is a six cylinder, diesel engine, 4-wheel drive vehicle capable of many uses through the addition of attachments for tasks such as snow removal, grass mowing and street sweeping. The petitioner's argument for reclassification is based primarily on a comparison of the "Unimog" with an agricultural tractor. Petitioner's contentions are that "Unimogs" are not used for agricultural purposes in any significant numbers, need licenses for highway use in California whereas agricultural tractors do not, can attain much higher speeds than agricultural tractors and are capable of many sophisticated uses compared to the "simple push-pull" functions of an agricultural tractor.

Petitioner also argues that "Unimogs" should be classified like other 4-wheel drive trucks and believes the current

classification is failing to provide the protection to domestic manufacturers usually provided by tariff laws.

As alternatives to classification under item 692.02, TSUS, "automobile truck valued at \$1,000 or more for the transport of persons or articles", petitioner also believes the "Unimog" could properly be reclassified under item 692.35, TSUS, as "other tractor", or item 678.50, TSUS, "a machine not specifically provided for". Either alternative, in petitioner's opinion, would more accurately reflect the "Unimog's" sophistication and infrequent use for agricultural purposes, characteristics not taken into account in the current classification.

Comments

Pursuant to § 175.21(a), Customs Regulations (19 CFR 175.21(a)), before making a determination on the matter, Customs invites written comments on the petition from interested parties.

The domestic interested party petition, as well as all comments received in response to this notice will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), and § 1.6, Treasury Department Regulations (31 CFR 1.6), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), between the hours of 9:00 a.m. to 4:30 p.m. or regular business days, at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority: This notice is published in accordance with § 175.21(a), Customs Regulations (19 CFR 175.21(a)).

Drafting Information

The principal author of this document was John E. Doyle, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Approved: September 12, 1984.

William von Raab,
Commissioner of Customs.

Edward T. Stevenson,
Acting Assistant Secretary of the Treasury.

[FR Doc. 84-25113 Filed 9-21-84; 8:45 am]

BILLING CODE 4820-02-M

Application for Recordation of Trade Name; Acme Premium Supply Corp.

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of Application for Recordation of Trade Name.

SUMMARY: Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "ACME PREMIUM SUPPLY CORP." used by Acme Premium Supply Corp., a corporation organized under the laws of the State of Missouri, located at 4100 Forest Part Boulevard, St. Louis, Missouri 6308.

The application states that the trade name is used in connection with the following merchandise manufactured in China, Taiwan, Korea and Hong Kong: stuffed toys, inflatable toys, plastic toys, novelty items, hats, caps and figurines.

Before final action is taken on the application, consideration will be given to any person in opposition to the recordation of this trade name. Notice of the action taken on the application for recordation of this trade name will be published in the **Federal Register**.

DATE: Comments must be received on or before November 23, 1984.

ADDRESS: Written comments should be addressed to the Commissioner of Customs, Attention: Entry, Licensing and Restricted Merchandise Branch, 1301 Constitution Avenue, NW., Room 2417, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, U.S.

Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202) 566-5765).

Dated: September 18, 1984.

Donald W. Lewis,
Director, Entry Procedures and Penalties Division.

[FR Doc. 84-25240 Filed 9-21-84; 8:45 am]

BILLING CODE 4820-02-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation of Authority of December 17, 1982 (47 FR 57600, December 27, 1982), I hereby determine that the gold objects to be included in the exhibit, "Asante: Kingdom of Gold" (included in the list¹ filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a loan agreement between The American Museum of Natural History, New York, N.Y., and foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the American Museum of Natural History, New York, N.Y., beginning on or about October 19, 1984, to on or about March 17, 1985, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register**.

Dated: September 21, 1984.

Thomas E. Harvey,
General Counsel and Congressional Liaison

[FR Doc. 84-25447 Filed 9-21-84; 11:22 am]

BILLING CODE 4820-01-M

¹ An itemized list of objects included in the exhibit is filed as part of the original document.

Sunshine Act Meetings

Federal Register

Vol. 49, No. 186

Monday, September 24, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Civil Aeronautics Board.....	1
Federal Reserve System.....	2
Federal Mine Safety and Health Review Commission.....	3
Legal Services Corporation.....	4

1

CIVIL AERONAUTICS BOARD

[M-411 Amdt. 1]

September 18, 1984.

Notice of Deletion of item and addition of item at the September 18, 1984 Meeting

TIME AND DATE: 10:00 a.m., September 18, 1984.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

Commuter carrier fitness determination of Air Caribe International, Inc.; Docket 42394, Emergency Exemption of Air Caribe to operate as a commuter pending completion of its fitness review and Docket 42401, Application for fitness review. (BDA)

25. Discussion of Greek Negotiations. (BIA)

STATUS: 13 Open, 25 Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION:

Phyllis T. Kaylor,
Secretary.

[FR Doc. 25386- Filed 9-20-84; 3:23 am]

BILLING CODE 6320-01-M

2

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m. Friday, September 28, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Secure voice communications program for the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.
4. Federal Reserve Bank and Branch director appointments.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: September 20, 1984.

William W. Wiles,
Secretary of the Board.

[FR Doc. 84-25385 Filed 9-20-84; 3:45 pm]

BILLING CODE 6210-01-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

September 19, 1984.

TIME AND DATE: 10:00 a.m., Wednesday, September 26, 1984.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Gary Goff v. Youghiogheny and Ohio Coal Company, Docket No. LAKE 84-86-D. (Issues include whether the administrative law judge erred in dismissing the miner's discrimination complaint on the ground that the complaint should have been filed

pursuant to section 428 of the Black Lung Benefits Act, 30 U.S.C. 938(1982)).

CONTACT PERSON FOR MORE INFORMATION:

Jean Ellen, (202) 653-5632.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 84-25329 Filed 9-20-84; 11:44 am]

BILLING CODE 6735-01-M

4

LEGAL SERVICES CORPORATION

Board of Directors Meeting

TIME AND DATE: It will commence at 9:30 a.m. and continue until all official business is completed; Monday, October 1, 1984.

PLACE: General Services Administration, Auditorium, 18th and F Streets, NW., Washington, D.C. 20405.

STATUS OF MEETING: Open [A portion of the meeting is to be closed to discuss personnel, personal, criminal, litigation, and investigatory matters under 45 CFR 1622.5 (a), (d), (e), (f), (g), and (h)].

MATTERS TO BE CONSIDERED:

1. Approval of Agenda
2. Approval of Minutes —September 14, 1984
3. Report from the President
4. Report from the Office of Government Relations
5. Report from the Office of Field Services
6. Report from the Operations and Regulations Committee
7. Report from the Office of General Counsel —Regulation Part 1630

CONTACT PERSON FOR MORE INFORMATION:

Thomas J. Opsut, Executive Office, (202) 272-4040.

DATE ISSUED: September 20, 1984.

Michele L. Surface,

Assistant Secretary to the Corporation.

[FR Doc. 84-25411 Filed 9-20-84; 4:35 pm]

BILLING CODE 6820-35-M

Federal Register

Monday
September 24, 1984

Part II

Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4 and 240

Materials and Processes Authorized for
the Production of Standard Wine and for
the Treatment of Juice, Standard Wine
and Distilling Material; Final Rule and
Proposed Rule

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 240

[T.D. ATF-182; Ref. Notice Nos. 413, 414, and 426]

Materials and Processes Authorized for the Production of Standard Wine and for the Treatment of Juice, Standard Wine and Distilling Material

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This document implements regulations which: update the materials and processes authorized for use in the production and treatment of standard wine, juice, and distilling material; establish a procedure to provide agency sanction of experimentation with new materials and processes; and, revise the procedure for adding or deleting materials and processes and for changing usage levels of materials and processes employed in the treatment of wine. In addition, the Bureau has determined that the practice of reconstituting standard wine subjected to processing by thin-film evaporation under reduced pressure is not acceptable in good commercial practice and, therefore, prohibits this practice in the treatment of standard wine.

A notice of proposed rulemaking in which ATF solicits additional comment regarding the acceptability in "good commercial practice" of certain materials and processes in the treatment of wine appears elsewhere in this issue of the Federal Register.

This final rule is one of several which are to be issued by the Bureau in the revision of the Federal regulations pertaining to the production of wine. When ATF has completed the revision of these regulations, a final rule will be issued to recodify the wine regulations into a new Part 24.

EFFECTIVE DATE: The procedural regulations prescribed in 27 CFR 240.1052 and 240.1053, the rulemaking in 27 CFR 240.1051b which prohibits the reconstitution of wine and those rulemakings which authorize the use of new treatments become effective October 24, 1984; all other amendments which include rulemakings that delist, restrict or proscribe previously listed treatments become effective March 25, 1985.

FOR FURTHER INFORMATION CONTACT: Michael J. Breen, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue,

NW., Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

Notice No. 413, published in the Federal Register of June 18, 1982 (47 FR 26399), proposed the addition or deletion of, and in some instances, revised usage levels for, materials and processes intended for use in the production and treatment of standard wine. Publication of the notice of proposed rulemaking resulted from ATF's recognition of the need to update the list of wine treating materials and processes and the need for a more formal public procedure for approving or disapproving applications for wine treating materials and processes. The original 60-day comment period was reopened for an additional 90 days by publication of Notice No. 426 in the Federal Register of September 20, 1982 (47 FR 41402).

Notice No. 414, published in the Federal Register of July 27, 1982 (47 FR 32447), invited public comment regarding reconstitution, a relatively new practice of adding water to low alcohol wine in order to restore the volume of water lost through azeotropic action during the processing of standard wine by thin-film evaporation under reduced pressure. This notice also requested comment as to whether the practice, if it were to be approved, should be disclosed on beverage wine labels.

Since each of the three notices of proposed rulemaking pertained to materials or processes employed in the production and treatment of wine, the Bureau is publishing a single Treasury decision implementing the changes resulting from a review of all comments received. Concurrent with the publication of this Treasury decision, ATF is publishing a notice of proposed rulemaking, Notice No. 543, in order to obtain additional comment on the acceptability in "good commercial practice" of certain materials and processes in the treatment of wine in accordance with the provisions of Section 5382 of the Internal Revenue Code of 1954, as amended.

The following are summaries of the comments received in response to the two notices pertaining to wine treating materials and processes and the notice pertaining to reconstitution:

Summary of Comments to Notice Nos. 413 and 426 (Wine Treating Materials and Processes)

ATF received 40 comments in response to the two notices of proposed rulemaking pertaining to wine treating materials and processes. Applications

received during the comment periods are considered as comments. A list of the names of the commenters follows:

List of Commenters

1. John H. Dawson, Consumer Safety Officer, U.S. Food and Drug Administration (FDA) GRAS Review Branch
2. Susan Thompson, Ph. D., FDA GRAS Review Branch
3. Robert Beelman, Ph. D., The Pennsylvania State University
4. John C. Savage, Sebastiani Vineyards, BW-CA-876
5. Paul F. Thomas, III, Paul Thomas Wines, BW-WA-70
6. Alex P. Mathers, Ph. D., Almaria Vineyards, BW-MS-4
7. R.S. Scott, Ph. D., Scott Laboratories, Inc.
8. Richard T. Keller, Paul Masson Vineyards, BW-CA-4662
9. Meyer H. Robinson, Monarch Wine Co., Inc., BW-NY-21
10. M.J. Kramer, United Vintners, Inc., BW-CA-22
11. R.D. Middlekauff, Ad Hoc Enzyme Technical Committee
12. Edward G. Merritt, Pfizer, Inc.
13. William A. Spradlin, Virginia Chemicals, Inc.
14. Paul C. Thorpe, E. & J. Gallo Winery, BW-CA-4213
15. George W. Naumburg, Jr., M.D., North Salem Vineyards, BW-NY-660
16. Michael R. Barton, Chalet Debonne Vineyards, BW-OH-274
17. James Trezise, New York State Wine Grape Growers, Inc.
18. Jim Carter, Sebastiani Vineyards, BW-CA-876
19. Emil P. Tedeschi, Tedeschi Vineyard, BW-HI-5
20. Mary C. Custer, Ph. D., FDA GRAS Review Branch
21. Richard J. Alessi, Mogen David Wine Corp., BW-NY-626
22. Paul W. Flowers, Franzia Brothers Winery, BW-CA-3654
23. Kirby Anderson, San Benito Vineyards, BW-CA-4633
24. R. Martin Keen, Conestoga Vineyards, BW-PA-112
25. John F. Wilk
26. James Trezise, New York State Wine Grape Growers, Inc.
27. Robert E. Callan, Canada Dry/Graf's, BW-WI-35
28. Anthony A. Bell, Beaulieu Vineyards, BW-CA-71
29. John A. De Luca, President, Wine Institute
30. Olsson & Frank, P.C., for Villa Bianchi Winery, BW-CA-4662
31. John F. Wilk
32. Michael F. Jacobson, Ph. D., Center for Science in the Public Interest
33. Taylor Quinn, Associate Director, Office of Regulatory Compliance (FDA)
34. Wine Institute Technical Committee
35. William F. Randolph, Deputy Associate Commissioner for Regulatory Affairs (FDA)
36. Abraham M. Buchman, American Wine Association
37. Olsson & Frank, P.C. for Villa Bianchi Winery, BW-CA-4664

38. R.B. Boulton, Ph. D., Univ. of California (Davis)
 39. D.A. Heatherbell, Ph. D., Oregon State Univ.
 40. R.S. Scott, Ph. D., Scott Laboratories, Inc.

The following paragraphs provide a summary of the comments received with a parenthetical reference to the specific commenter:

Sequestered Ferrocyanide Complexes

In an advisory letter (#1) dated June 22, 1982, the GRAS Review Branch of the U.S. Food and Drug Administration indicated that although sequestered ferrocyanide complexes are not currently listed in Title 21, Code of Federal Regulations, Part 182, the Food and Drug Administration (FDA) considers these materials to be generally recognized as safe (GRAS) for use as fining agents in the treatment of wine provided the residual ferrocyanide concentration in the finished wine does not exceed one part per million. In view of this comment, ATF is retaining as authorized treatments the sequestered ferrocyanide complexes originally approved and listed under the brand names "Cufex," "Sulfex," and "Metafine".

Malo-lactic Bacteria

By letter (#2) dated June 9, 1982, the GRAS Review Branch addressed the use in wine production of *Leuconostoc oenos*, a type of malo-lactic bacteria. A search by the GRAS Review Branch of its files shows no information regarding this type of malo-lactic bacteria. FDA states that in order to obtain FDA GRAS approval for its use, a petition for GRAS status would have to be submitted. ATF concludes that since this is a type of malo-lactic bacteria which is naturally present during fermentation and has gained widespread acceptance among domestic winemakers, *Leuconostoc oenos* is deemed to be acceptable in good commercial practice for the intended use in standard wine.

By letter (#3) dated July 19, 1982, the Food Science Department of the Pennsylvania State University offered comment on malo-lactic bacteria. The commenter suggests that the reference to "patented" strains of malo-lactic bacteria be deleted and that the more general term "malo-lactic bacterial cultures" be listed in order that unpatented as well as patented strains be allowed to be used since all strains are natural. ATF concurs with this comment and, therefore, has amended the regulations in 27 CFR 240.361 and 240.365 to read "malo-lactic bacteria listed in Subpart ZZ" of Part 240. The reference to "malo-lactic bacteria" in 27

CFR 240.1051 specifies the "*Leuconostoc oenos*".

Potassium Bicarbonate

The Food Science Department of Pennsylvania State University (#3) as well as North Salem Vineyard (#15) and Chalet Debonne Vineyards (#16) requested that potassium bicarbonate be added to the list of approved wine treating materials. Potassium carbonate is presently authorized for the treatment of wine. ATF has found that potassium bicarbonate is more effective than potassium carbonate in some instances in reducing excess natural acidity in wine. ATF finds that winemakers should have the option of using either to treat wine since both constitute good commercial practice. Accordingly, ATF concurs with the commenters and has amended the reference to potassium carbonate to include the bicarbonate with the same conditions that the natural or fixed acids not be reduced below 5 parts per thousand (5 grams per liter).

Thiamine (Vitamin B-1)

Sebastiani Vineyards in a July 22, 1982, letter (#4) requested that thiamine (vitamine B-1) be listed specifically as an approved material for use in the treatment of wine. Thiamine is naturally present in grape juice and is a necessary nutrient for the growth of yeast during the fermentation of juice into wine. ATF concurs with the comment, and, accordingly, has made a specific reference to thiamine in 27 CFR 240.1051.

Calcium Sulfate

Paul Thomas Wines (#5) requested approval to use calcium sulfate in the production of rhubarb wine in order to remove oxalic acid which occurs naturally in rhubarb. If not removed from the juice or wine, oxalic acid reacts with calcium in the human body to form calcium oxalate. Since rhubarb wine is an agricultural wine and regulations in 27 CFR 240.465 require the submission of a formula to cover the production of agricultural wine, materials intended for use in the treatment of such wine would be listed on the ATF Form 698 Supplemental (5120.29) covering the production of the wine. The submission and subsequent approval by ATF of a formula listing the use of oxalic acid to treat rhubarb juice would obviate the necessity of listing this specific use in 27 CFR 240.1051.

Paul Masson Vineyards (#8) filed a letter request to use calcium sulfate on a continuing basis to treat all standard wine at a use level not to exceed the prescribed 2 grams per liter of wine.

Following the submission of the request, however, the commenter informed the review panel that the request was being withdrawn. Accordingly, the original limitation restricting the use of calcium sulfate only for lowering the pH of sherry wine is retained without change.

Silica Gel

Scott Laboratories, Inc., and E. & J. Gallo, in separate comments (#7, #14), requested that silica gel (colloidal silicon dioxide) not be limited to the 30 percent concentration level proposed in the notice since silica gel is available in concentrations other than 30 percent. Silica gel has a history of use in good commercial practice and has been approved at increasingly greater use levels to the present level of 20 pounds per 1,000 gallons of wine. ATF maintains that the percentage limiting the concentration level to 30 percent imposes an unnecessary regulatory burden on manufacturers and winemakers who use silica gel in the treatment of wine. The limit of 20 pounds per 1,000 gallons is representative of the use level requested by the wine industry and constitutes good commercial practice among U.S. winemakers. In recognition of the history of increases of the usage level of the 30 percent concentration from 0.5 pounds, to 1.6 pounds, 5 pounds, 10 pounds, and ultimately to 20 pounds per 1,000 gallons of wine, the limitation on use is stated in this final rule as the equivalent of 20 pounds of silica gel at a 30 percent concentration per 1,000 gallons of wine.

Enzymatic Activity

Scott Laboratories, Inc., (#7) also advocated the listing of protease, a proteolytic enzyme, to control foaming during the fermentation of wine and for protein (heat) stability. In February 1983, the review panel contacted Scott Laboratories regarding the results of studies conducted in 1982 by various wineries in collaboration with Scott Laboratories. ATF received comments (#38, #39, #40) from Roger B. Boulton of the University of California (Davis), D.A. Heatherbell of Oregon State University, as well as from Robert S. Scott of Scott Laboratories, Inc. These commenters favored inclusion of protease in the list of authorized treating materials to control foaming of bulk wine during fermentation and to stabilize standard wine. Based on the review of these comments and in recognition of the preference among winemakers to employ an enzyme over other types of cellar treatment for heat stability, ATF concludes that the use of

this material constitutes good commercial practice and, therefore, merits the inclusion of protease in the list of authorized wine treating materials.

The Ad Hoc Enzyme Technical Committee and the Technical Committee of the California Wine Institute, in separate comments (#11, #29), each recommended the listing of enzymes as treating materials but proposed very general terms. However, the GRAS Review Branch of the U.S. Food and Drug Administration, in an advisory opinion dated August 18, 1983, informed ATF that an enzyme used in the processing of foods and beverages must be specifically identified as to source. Therefore, ATF has amended the list of treating materials to include specific listings of the enzymes which are approved for use in the treatment of wine. Basically, these enzymes identified by their trivial or functional names are: amylase, catalase, cellulase, glucose oxidase, pectinase, and protease.

The Ad Hoc Enzyme Technical Committee also requested that the authorization to use amylase enzyme be extended from use solely in distilling material to use as a treating material for standard wine and juice to convert starches to fermentable sugars and to clarify juice and wine. The Bureau had proposed in Notice No. 413 that amylase enzyme be retained for use in the treatment of distilling material as prescribed in 27 CFR 240.1051a. Following the close of the comment period, ATF received an application from a winemaker to use an amylase preparation to clarify standard wine. Based on a review of the data and samples submitted with the application, ATF concludes that such use is acceptable in good commercial practice. By an application dated October 31, 1983, Sokol Blosser Winery, BW-OR-66, requested authorization to use an "anthocyanase" enzyme preparation to reduce color in the juice of red and black grapes prior to fermentation of the juice into white wine. ATF requests comment about its effectiveness and whether its use would be considered acceptable in good commercial practice among winemakers.

Sodium Treating Materials

In Notice No. 413, the Bureau proposed to delist all sodium treating materials.

Virginia Chemicals (#13) commented that no technical data can be found which indicates that the use of either sodium metabisulfite or sodium bisulfite represents any hazard that would warrant discontinuance of use of either

in the treatment of wine, juice, and distilling material. Villa Bianchi Winery in its several comments (#30, #37), United Vintners (#10), and Canada Dry/Graf's (#27), also objected to the delisting of the sodium preservative agents.

Olsson and Frank, P.C., on behalf of Villa Bianchi Winery (#30), expressed concern that the deletion of sodium compounds may create a safety problem as well as be contrary to sound public policy. The commenter cited the coincidence that the notice of proposed rulemaking published by ATF in the Federal Register appeared in the same issue as FDA's voluntary sodium labeling proposal and questioned whether this is part of a governmental movement to reduce sodium consumption. The commenter also asked that ATF postpone any action to delete the use of sodium compounds until some reasonable alternative exists and cited the Mobay Chemical Corporation's filing of a food additive petition for approval of dimethyldicarbonate (DMDC) by the Food and Drug Administration. In a second comment (#37), Olsson and Frank, P.C., requested the continued use of sodium citrate as a treating material for wine and expressed concern that the elimination of sodium in the treatment of wine could pose a potential health risk.

By letter (#27) dated December 15, 1982, Canada Dry/Graf's, advocated the retention of sodium benzoate, sodium citrate, and sodium metabisulfite as preservative agents in the treatment of wine.

In a letter (#28) dated December 15, 1982, Beaulieu Vineyards, expressed opposition to the deletion of sodium chloride (brine) solutions in the preparation of albumen.

It is ATF's understanding that winemakers have had concern for many years about sodium levels and that over the past 20 years individual winemakers have substituted other materials and processes as alternatives to sodium treating materials in order to reduce the amount of sodium present in wine offered for sale to consumers. Citric acid or potassium citrate may be substituted to achieve the effect intended by the use of sodium citrate. Potassium metabisulfite may be used in place of sodium metabisulfite. With regard to the use of sodium benzoate, ATF maintains that there are authorized treatments which can be substituted to obtain the same effect. ATF is also listing potassium benzoate in this final rule but is soliciting comment in Notice No. 543 regarding the effectiveness of potassium benzoate as a substitute for sodium

benzoate in the treatment of standard wine.

The Wine Institute (#30), representing 455 winemakers, commented that the use of sodium treating materials is no longer considered to be acceptable as "good commercial practice" by its Technical Committee and, accordingly, supports the ATF proposal.

In the Federal Register of June 18, 1982 (47 FR 26580), FDA published a proposal to amend the food labeling regulations to provide for the labeling of sodium. In the same issue of the Federal Register (47 FR 26590), FDA published the Notice of GRAS Safety Review of Sodium Chloride. In the Federal Register of April 18, 1984 (49 FR 15510), FDA published a final rule pertaining to sodium labeling. In addressing the comments which were received in response to the proposal, FDA cites in the preamble of the final rule reference to the scientific data linking sodium consumption and hypertension. The preamble of the final rule states, in part, that—

* * * FDA has reviewed the available data on the health implications of excessive sodium consumption, and has concluded that, "[although scientists disagree about the role of [sodium] intake as a basic causative factor in essential hypertension, there is a broad consensus in the scientific community that [sodium] is one of the factors in the development of hypertension in susceptible individuals, and that excess sodium consumption aggravates hypertension"] (47 FR 26592). The agency reiterates this position. * * * FDA continues to believe that the agency should focus its regulatory efforts on providing information to consumers so that they can structure their diets to meet individual health needs, and on working with manufacturers to reduce the amount of sodium in processed foods. The food processing industry is in the best position to reduce the amount of sodium in processed foods. * * * (49 FR 15511)

FDA stated further that over 80 percent of the approximately 2,700 comments received in response to the sodium labeling proposal were from individual consumers and that these comments were almost unanimous in either supporting the agency's sodium initiatives or in calling upon FDA to do more in bringing about increased sodium labeling and a reduction of sodium in processed foods (49 FR 15511). FDA also stated that its 1978 survey of consumers revealed that salt was second only to sugar as a food ingredient consumers sought to avoid (49 FR 15511). Data from a 1982 survey funded by FDA and conducted by the National Heart, Lung, and Blood Institute, revealed that nearly two-thirds of consumers have some degree of concern about their sodium consumption and almost half are trying

to reduce it (49 FR 15511). FDA stated its belief that the great weight of the evidence strongly supports the prevailing consensus among scientists that it would be prudent for the general population to reduce sodium consumption whenever possible (49 FR 15511). FDA expressed the position that significant benefits are likely to be derived by the general population by moderating sodium intakes, and no convincing evidence has been presented to demonstrate that a moderate but significant reduction of sodium intake would have any adverse health effects (49 FR 15513). "If incidence rates remain at current levels, about 65 percent of all U.S. citizens will have developed definite or borderline high blood pressure by the time they are 65 to 74 years of age. Therefore, [FDA] remains convinced that the public in general will benefit from a reduction in sodium intake even though some persons do not presently require it" (49 FR 15513).

Under the topic of "Health Issues" in the preamble of the FDA's document, the agency addressed the concerns expressed by a few commenters that FDA's "efforts to encourage the general population to moderate their intake of sodium would lead to medical problems for certain segments of the population." These commenters had "urged that FDA make it clear that pregnant women and persons living in tropical or subtropical environments or persons engaged in physically strenuous occupations need not necessarily moderate their intake of sodium, because such groups have an increased need for sodium in the diet" (49 FR 15514). FDA responded that:

The agency does not consider the increased requirement for sodium during pregnancy to be a problem even for women who seek to moderate their daily intake of sodium. However, the general advisory to moderate sodium intake would not be applicable for pregnant women on extremely restricted diets. These cases are rare and such women should be under a physician's care for the problems necessitating the restricted diet. The agency acknowledges that there also is a concern for unacclimatized individuals performing heavy work in hot environments. However, these individuals constitute only a small segment of the population in hot environments and the need for increased levels of sodium is transient and usually disappears in 1 to 2 weeks as a result of the physiological adjustment to the new environment.

In light of the Wine Institute's comment, the availability of potassium treating materials to serve as substitutes for sodium treating materials, the practice among winemakers to eliminate the use of sodium in the treatment of wine and the recently published position of the U.S. Food and Drug

Administration, ATF is delisting the sodium treating materials. Use of these materials is no longer deemed to be acceptable in good commercial practice among winemakers. Proprietors have the option of using citric acid or potassium citrate in place of sodium citrate. With regard to sodium metabisulfite, proprietors have the option of using potassium metabisulfite.

Nitrogen

Canada Dry/Graf's (#27) advocated retention of the proposed limitations on the use of nitrogen, an inert gas used to fill headspace in wine containers. Nitrogen provides structural support to the thin walls of aluminum cans. In light of the fact that nitrogen is an inert gas, i.e., it does not react with wine filled into a bottle, can or other type of container, and rapidly dissipates upon the breaking of the seal closing the container, ATF is striking the maximum usage level for nitrogen and the reference limiting its use to sparkling wine. This will permit use of nitrogen in the bottling and canning of still wines as well as sparkling wine.

Casein

By letter (#19) dated November 23, 1982, Tedeschi Vineyard and Winery requested that the limitation of 3.6 grams per liter for the use of casein (potassium caseinate) be increased to a higher level. The commenter apparently had misread the limitation imposed on the use of *milk powder* in the reference section of the list of treating materials. Milk powder, a synonym for casein, is a term which is no longer widely used. In consideration of the confusion created by the listing of a limitation for milk powder and the obsolescence of the term "milk powder," ATF is deleting the reference to milk powder and the limitation on the use of milk powder. ATF has placed no limitation on the use of casein.

Antimicrobial Agents

The GRAS Review Branch (FDA) forwarded a transmittal letter (#20) with copies of the documents which the Center for Science in the Public Interest (CSPI) filed with the Food and Drug Administration on October 28, 1982, regarding the use of *sulfiting agents* in foods and beverages. Also included in the materials which accompanied the FDA's letter was the FDA's July 9, 1982, notice of proposed rulemaking to affirm the GRAS status of *potassium metabisulfite* at 21 CFR 184.3637, *sodium bisulfite* at 21 CFR 184.3739, and *sodium metabisulfite* at 21 CFR 184.3766. These three sections of the Federal food and drug regulations have specific

references to the use of these materials as antimicrobial agents in the treatment of alcoholic beverages.

Since ATF is removing the sodium compounds from the list of authorized treating materials for wine, the FDA references in §§ 184.3739 and 184.3766 to the use of sodium bisulfite and sodium metabisulfite in the treatment of "beverages, alcoholic" will require conforming changes. ATF has advised FDA of the prohibition of sodium bisulfite and sodium metabisulfite in the treatment of wine.

By letter (#32) dated December 20, 1982, the Center for Science in the Public Interest applauded ATF's decision to remove sulfiting agents containing sodium from the list of materials considered acceptable in "good commercial practice" but simultaneously criticized ATF's proposal to retain potassium metabisulfite and sulfur dioxide as antimicrobial agents in treatment of wine.

In a December 15, 1982, comment, John F. Wilk (#25) requested that ATF evaluate the use of all chemical agents, specifically sulfiting agents, in grape juice and wine, substitute a process known as "the Walthari Process" for treatments with sulfur and other preservative chemicals, and require disclosure in labeling of the addition of preservative agents to wine. In a second comment (#31), Mr. Wilk requested a public hearing in which he wished to take the opportunity to explain the Walthari Process.

The use of sulfur dioxide is necessary, common to, and historically documented in winemaking. At the present time, there is insufficient scientific data to justify ATF's delisting of the use of sulfiting agents in the treatment of wine. Accordingly, ATF is retaining sulfur dioxide as an authorized preservative agent in the treatment of wine.

However, if at some future date the U.S. Food and Drug Administration were to determine that the sulfiting of foods and beverages presents a risk to the public health and requires labeling disclosure, ATF would promptly propose the disclosure in labeling of sulfur dioxide and sulfiting agents.

In recognition of the health concerns over the use of sulfiting agents in foods and beverages including wines, ATF is issuing a notice of proposed rulemaking, Notice No. 543, proposing reduced usage levels of not more than 125 parts per million total sulfur dioxide for low sugar red and rose wines and 175 parts per million total sulfur dioxide for low sugar white wine. The 350 parts per million limitation would be reduced to 275 parts

per million for high sugar wines, i.e., wines having a sugar content of 5 or more grams per 100 milliliters. ATF welcomes additional comments from all interested parties as to what maximum residual levels of sulfur dioxide would be acceptable in a final rule and whether 5 grams per 100 milliliters is the level at which to distinguish between high sugar and low sugar wines. Commenters should refer to Notice No. 543 for the specifics of the ATF proposal.

The Wine Institute Technical Committee (#29) took exception to the proposed inclusion of *potassium benzoate* and the *parabens*, i.e., the *n-alkyl esters of p-hydroxy-benzoic acid* (methyl-, propyl-, and heptyl-) as antimicrobial agents for use in the treatment of wine and the use of *propylene glycol* as a solvent for the parabens. The commenter opposed the inclusion of these materials in the list of authorized treating materials on the basis that such use is not acceptable in good commercial practice. Based on the review of comments received in response to Notice Nos. 413/426, ATF is proposing in Notice No. 543 to delete the parabens and propylene glycol, a solvent used in the preparation of the parabens, from the list of authorized treating materials and is requesting the submission of comments as to whether potassium benzoate should remain on the list of authorized treating materials. In the interim period during which comments will be reviewed, ATF is continuing the listing of the parabens, propylene glycol and potassium benzoate.

Maltol and Ethyl Maltol

Seven commenters (#9, #10, #12, #21, #22, #29, and #36) addressed the ATF proposal to remove maltol and ethyl maltol from the list of authorized wine treating materials. Both of these materials had originally been approved "to smooth wine;" however, both are listed in FDA regulations as flavoring adjuvants (enhancers). Ethyl maltol does not occur naturally whereas maltol does occur naturally in several plants but is not a natural constituent of grapes. ATF is requesting additional comments on the continued use of these materials through the issuance of Notice No. 543. In the interim period during which comments will be reviewed, ATF will allow the continued use of maltol at a maximum level of 250 milligrams per liter and ethyl maltol at a maximum level of 100 milligrams per liter. These are the limitations which historically have been used by winemakers in good commercial practice in treating certain types of wines.

Use of Water to Prepare Slurries of Wine Treating Materials

Almarla Vineyards (#6), the Wine Institute (#29, #34), and Sebastiani Vineyards (#18), addressed comments to the use of water to prepare slurries of wine treating materials. ATF, in Notice No. 413, differentiated between the use of water to rehydrate yeast and the use of water to prepare treating materials. The Bureau proposed to limit the addition of water in yeast rehydration to not more than a 0.26 percent increase in volume and to limit the use of treating material slurries to not more than a 1.0 percent increase in volume (separate from the limitation on yeast rehydration).

Sebastiani Vineyards commented in favor of the ATF proposals. The Wine Institute and Almarla Vineyards requested that the use of water for whatever purpose total not more than 3 percent by volume.

With regard to yeast rehydration, ATF maintains the position that the use of yeast, a basic component of the fermentation process, does not constitute a cellar treatment. The 0.26 percent limitation proposed in Notice No. 413 was obtained by contacting yeast suppliers in order to determine the amount of water actually needed to rehydrate yeast. Based on updated information obtained from these same suppliers, ATF is increasing the limit to 0.5 percent which ATF maintains is representative of good commercial practice among yeast suppliers.

With regard to water slurries, however, the Bureau is still not convinced that water additions exceeding 1.0 percent by volume are necessary. The 1.0 percent limitation is based on historical use and represents good commercial practice among winemakers to date. Accordingly, ATF is maintaining the 1.0 percent by volume limitation but requests additional comment from all interested parties about increasing the 1.0 percent limitation to as much as 3.0 percent by volume as proposed by these commenters. Persons interested in this issue should forward comments to Notice No. 543.

Potassium Bitartrate

Conestoga Vineyards, in a letter (#24) dated December 8, 1982, requested that the usage level of potassium bitartrate be increased from 4 pounds per 1,000 gallons to 35 pounds per 1,000 gallons for use in the cold stabilization of wine by means of the "seeding" process. Examination of the scientific data pertaining to the "seeding" process shows that this process is an effective

method of stabilizing tartrates in wine. The process has gained increasing acceptance among winemakers in the United States. During the past year, ATF authorized experimentation at the increased usage level.

The Wine Institute (#29) requested that there be no limit placed on the amount of potassium bitartrate used in the treatment of wine. ATF does not concur with the Wine Institute comment. The most current scientific literature references the use of potassium bitartrate at a maximum level of 35 pounds per 1,000 gallons as the optimum level of use for the intended effect. Accordingly, the use of potassium bitartrate will be limited to 35 pounds per 1,000 gallons of wine.

Activated Carbon

San Benito Vineyards, in its comment (#23) dated December 8, 1982, addressed the uses of activated carbon and hydrogen peroxide. The commenter asked that the reference to activated carbon be broadened to cover specifically its use as a *deodorizer*. ATF maintains that the stated use of activated carbon "to clarify and to purify wine" encompasses its use as a *deodorizer* in wine.

The Wine Institute (#29) proposed adding specific mention in 27 CFR 240.361, 240.365, 240.401, and 240.405 of the use of activated carbon as a *fermentation aid* to assist precipitation and dropping specific mention of this use in 27 CFR 240.1051. ATF has made a general reference to the use of precipitating agents in each of the four production sections but has inserted in each section a specific reference to Subpart ZZ.

Color Reduction

In light of the consumer demand for white wines and the glut of red and black grapes, there is genuine interest among winemakers for materials and processes to reduce color in the juice from red and black grapes so that the juice may subsequently be fermented into white wine.

Prior to the issuance of Notice No. 413, ATF has received separate applications from winemakers to use *activated carbon* and *hydrogen peroxide* in the treatment of the juice pressed from red and black grapes. In Notice No. 413, ATF requested comments regarding the acceptability of the continued use of these treatments to reduce color in the juice of red and black grapes. The Wine Institute (#29) advocated the delisting of the use of activated carbon and hydrogen peroxide to decolorize juice from red and black grapes. United

Vintners, Inc. (#10) favored retention of the use of activated carbon to reduce color in juice and wine. The New York State Wine Grape Growers, Inc. (#26) favored retention of the use of hydrogen peroxide to remove color from the juice of red and black grapes.

San Benito Vineyards (#23) inquired why a batch of wine produced from juice treated with hydrogen peroxide may only be blended with other standard wine rather than be bottled without prior blending. In light of the fact that the imposition of this limitation resulted from the original application filed to use hydrogen peroxide for this purpose and not from any problem with its use in good commercial practice, ATF has no objection to dropping this restriction. Accordingly the "reference" column has been so amended.

By letter dated October 31, 1983, Sokol Blosser Winery, BW-OR-66, applied for authorized to employ an "anthocyanase" enzyme preparation as a cellar treatment to reduce color in the juice of red and black grapes prior to fermentation of such juice into wine.

In Notice No. 543 which is being published concurrently with this Treasury decision, ATF solicits comment from winemakers and other interested parties regarding the acceptability of the use of activated carbon or hydrogen peroxide or the enzyme preparation to reduce color in the juice of red and black grapes prior to fermentation of such juice into wine. In the interim period until the rulemaking process is completed, the continued use of either activated carbon or hydrogen peroxide to remove color from the juice of red and black grapes will be permitted. However, ATF action regarding the use of an anthocyanase enzyme to decolorize juice is dependent upon the outcome of the rulemaking process. For information concerning this enzyme preparation, winemakers and other interested parties may contact the ATF Reading Room. The winemaker's application in a part of the comment file for Notice No. 543.

Ultrafiltration

In February 1984, ATF received an application from Papagni Vineyards, BW-CA-4630, for authorizations to employ an "ultrafiltration" process using membranes of various molecular sizes to: (1) Remove proteinaceous material from wine, (2) remove the pink color from blanc de noir wines, (3) reduce harsh tannic material from white wine produced from white skinned grapes, and (4) separate red wine into low color and high color wine fractions for blending purposes. This application was received after the close of the comment

period for Notice Nos. 413/426. However, in light of the interest in and controversy over the use of activated carbon, hydrogen peroxide and enzymatic activity to decolorize the juice of red grapes, ATF is airing this application in Notice No. 543 in order to obtain public comment prior to making a decision as to whether such a process may be applied, in whole or in part, in the cellar treatment of wine. For information regarding the application to use "ultrafiltration" in the treatment of wine, winemakers and other interested parties may contact the ATF Reading Room. The winemaker's application is a part of the comment file for Notice No. 543.

General Comment

The New York State Wine Grape Growers, Inc., in a November 19, 1982, letter (#17), advocated maximum flexibility in materials and processes for wine production and stated its general support for ATF's proposals pertaining to both deletions and accepted practices.

Editing Changes

Mr. William F. Randolph, Deputy Associate Commissioner for Regulatory Affairs, U.S. Food and Drug Administration, in a telephone call (#35) on October 14, 1982, recommended editing changes pertaining to the citation of metric measure and chemical nomenclature. These changes have been adopted. In a letter dated December 28, 1982, Mr. Taylor Quinn, Associate Director for Compliance, Bureau of Foods (FDA), submitted editing corrections (#33) to ATF's citations of Parts 172, 182, and 184, of Title 21, Code of Federal Regulations.

Multiple Comments

The following summaries highlight the many issues addressed in the multiple-comment letters forwarded by Almarla Vineyards (#6), United Vintners, Inc. (#10), and the Wine Institute (#29). For a detailed reading of these comments, the reader may contact the Bureau's Disclosure Office for copies of the comments.

Comment of Almarla Vineyards

By letter dated August 3, 1982, Dr. Alex P. Mathers of Almarla Vineyards, commented that where references to certain treating materials are made in other parts of regulations in Title 27, Code of Federal Regulations, Part 240, there is no need to make further reference to these same materials in Subpart ZZ. ATF considered the comment and concluded that in the interest of providing both consumers

and winemakers with a comprehensive list of materials that may be used in the treatment of wine and to lessen the amount of confusion about which materials may or may not be used in such treatment, ATF will continue to list all bona fide treating materials in as many places in regulations as the Bureau deems to be necessary.

With regard to the commenter's proposal that advisory memoranda from the Department of the Treasury or from an industry group be used in place of a detailed list of treating materials in 27 CFR 240.1051 *et al.*, ATF has found through experience that the issuance of advisory memoranda and industry circulars is an ineffective means of transmitting information to winemakers since the information conveyed has often been misplaced or misconstrued in transmission. ATF finds that it is far more effective to place all the materials in lists in the same regulatory subpart and to update the lists periodically so that both consumers and regulated industry members will have access to the list and know where the information is to be found.

ATF is revising the wording of the regulations to provide specifically for the publication of a notice in the ATF Quarterly Bulletin to advise winemakers of the approval of a material or process and to provide specific regulatory language citing the discretionary authority of the Director to issue a notice of proposed rulemaking when it is determined that public comment is needed to facilitate the Bureau's decision making. Periodically, the Bureau will be issuing a notice of proposed rulemaking in which comments will be solicited as to whether the materials, usage levels, and processes approved and noticed in the ATF Quarterly Bulletin as well as the materials, usage levels, and processes listed in Subpart ZZ, are considered to be acceptable in "good commercial practice" in accordance with the provisions of section 5382(c) of the Internal Revenue Code of 1954, as amended.

The commenter has expressed opposition to the "across-the-board" deletion of the *sodium treating materials*. In addition, the commenter has proposed that a blanket authorization of not more than 3 percent water by volume be given for the *rehydration of yeast* and the preparation of *water based slurries* of treating materials. ATF has responded to the commenter in an earlier part of this preamble.

Comment of the Wine Institute

The December 16, 1982, letter from the Wine Institute (#29) contains many comments on the proposed regulations for wine treating materials. Earlier in this preamble, ATF responded to specific treatments on which the Wine Institute has commented. The commenter points out that some materials are no longer in use in the treatment of wine but remain in the Bureau's proposed list of materials to be retained (ATF concurs and has made the necessary corrections); that the Wine Institute proposes a functional grouping of treating materials by class of material where appropriate (ATF considered this proposal but concluded that an alphabetical listing by generic name would be more informative and easier to follow).

The Wine Institute favored maximum simplification and consolidation of regulations pertaining to wine treatments. The commenter proposed that where materials are listed in other sections of Part 240 no purpose is served by the duplication of citing the same materials in Subpart ZZ. Examples of materials cited by the Wine Institute were sulfur dioxide at CFR 240.523, carbon dioxide at §§ 240.510 and 240.531-240.535, and fruit acids in 27 CFR 240.364, 240.404 and 240.526. Although Notice No. 413 proposed revisions to the list of treatments prescribed in Subpart ZZ of Part 240, ATF has found that revisions in Subpart ZZ required revisions in other subparts in Part 240 as well as the drafting of a proposal for amendatory language in Part 4.

The commenter also takes exception to the Bureau's proposal to limit the *rehydration of yeast* to not more than 0.26 percent by volume of wine. The commenter states that *water used to prepare treating materials* is not a means of diluting wine.

The Wine Institute proposed the delisting of ammonium hydroxide from the list of materials authorized for use in the treatment of wine. Since *ammonium hydroxide* is a water treating material used solely to adjust the pH of water to facilitate the dissolution of casein prior to the addition of the casein to wine, ammonium hydroxide is not subject to regulation by ATF and, accordingly, is being delisted.

The Wine Institute proposes that cellulose be removed from the list since it is an inert filtering aid which is presently covered by general reference in 27 CFR 240.528. ATF has decided to delete the references in 27 CFR 240.1051 to the four filtering and clarifying aids, *agar-agar*, *carrageenan*, *cellulose*, and

diatomaceous earth, and to make specific references to these materials in 27 CFR 240.528. The use of these materials is deemed to be acceptable in good commercial practice because they act only as filtering and clarifying agents to aid in the removal of filterable material. Limitations are not necessary since these materials do not dissolve or react with wine and juice.

With regard to the Wine Institute proposal to delete the use of *activated carbon* and *hydrogen peroxide to remove color from juice from red and black grapes* on the basis that this is not acceptable in good commercial practice, ATF maintains that this issue requires additional comments prior to the drafting and publication of a final rule. Accordingly, the use of activated carbon and hydrogen peroxide for this purpose has been retained in the interim until comments have been received and reviewed from a notice of proposed rulemaking which is being issued concurrently with the publication of this Treasury decision.

The Wine Institute proposed the deletion of *mineral oil*, *charred oak chips*, *the parabens*, *potassium citrate*, and *propylene glycol*. With the exception of potassium citrate which may be used to treat citrus wines, the Bureau concurs with these proposals. In the past, winemakers would suspend a thin film of mineral oil over the surface area of bulk wine to prevent oxidation of the wine. In place of mineral oil, winemakers are using nitrogen, an inert gas. Charred oak chips are being delisted since their use is for flavoring formula wines and not for use in the production and treatment of standard wine, juice, and distilling material. The parabens and propylene glycol are being retained at present. However, in light of the Wine Institute's comment and the relatively recent listing of the parabens for use in the cellar treatment of low alcohol wines by a single winemaker, ATF is proposing their deletion from the list of authorized wine treating materials and is requesting comment from winemakers and other interested parties as to whether the use of the parabens is acceptable in good commercial practice among winemakers.

The Bureau is retaining potassium citrate since the deletion of sodium citrate may require substitutions with citric acid and potassium citrate in the treatment of citrus wines.

With regard to the wording of proposed § 240.1052, the Wine Institute recommended changes in the procedure to be followed and the timetable for the approval of materials intended for use in the treatment of wine on a commercial scale. ATF has evaluated this comment

and concurs. Consequently, specific provision has been made in the regulations to allow for the use of a material on an experimental basis so that the winemaker can obtain sufficient data to justify the filing of an application for use of the treating material on a commercial scale. ATF is providing for an experimental authorization in a new § 240.1052 and redesignating § 240.1052 as § 240.1053. The text of § 240.1052 will be entitled "Experimentation with new treating material or process." The wording of this section paraphrases that of § 240.134.

Section 240.1053 will be entitled "Application for use of new treating material or process" and the text will read basically the same as that which was originally proposed for § 240.1052. ATF has made some modifications in the wording of this text to meet the Wine Institute's concerns about the lengthy, cumbersome, and expensive aspects of the rulemaking process. ATF has also incorporated the requirements of ATF Procedure 77-1 as it pertains to the filing of specific data to perfect the filing of an application to use a material or process in the treatment of wine.

Comment of United Vintners, Inc.

By letter dated August 12, 1982, United Vintners, Inc. requested that the words "or elsewhere in this part" be stricken from the wording of proposed § 240.1052 on the basis that all materials and processes should be listed together only in § 240.1051 in order to avoid confusion and to reduce the time spent searching for needed information. ATF has decided to keep the phrase "or elsewhere in this part" in light of the fact that although the treating materials will be specifically listed in § 240.1051, there will continue to be a need for references in the regulations in Part 240 to the use of treating materials, e.g. acids and activated carbon. In order to avoid confusion, ATF has made cross references in the third column, i.e., the reference column in 27 CFR 240.1051, to the various sections in Part 240 that have a bearing on specific treating materials.

The commenter takes exception to the requirements of the proposed § 240.1052 citing the lengthy and time consuming aspect of the rulemaking process, the possibility of divulging trade secrets, and the cost of going through the rulemaking process on a frequent basis. (The Wine Institute in its comment expressed the same concerns.) ATF believes that the commenter has valid points. The rulemaking process, by its very nature, is lengthy, time consuming, and costly both to the wine industry and

to the Government. Accordingly, ATF has revised the wording of the regulations to facilitate the approval of treating materials and processes which the Director determines are not controversial. This procedure should reduce the number of notices of proposed rulemaking being published and be less costly to the Bureau and less time consuming to all parties than the rulemaking process.

Use of Acids in Treatment of Wine

Included in ATF's original proposal in Notice No. 413 was the revision of the provisions of Subpart ZZ pertaining to the use of acids in the cellar treatment of wine. The review of comments received in response to that proposal, coupled with the ongoing review of Part 240 and the recodification of Part 240 into new Part 24, has required conforming changes in 27 CFR 240.364, 240.404, 240.512, 240.526, and 240.539 pertaining to the use of organic acids.

Following the review of the comments pertaining to sorbic acid, the Bureau conducted a survey of winemakers to determine a level of use acceptable in good commercial practice. Based on the results of this survey as well as the comments received in response to Notice No. 413, the Bureau is lowering the residual level of sorbic acid from 1000 parts per million to 300 milligrams

per liter (300 parts per million). In Notice No. 543, ATF proposes to lower the residual level of sorbic acid to 200 milligrams per liter.

Hydrated Aluminosilicates

ATF had proposed to retain Bentonite (Wyoming clay) as the only hydrated aluminosilicate authorized for use in the treatment of standard wine. Bentonite has a molar ratio of one part aluminum to four parts silicon dioxide. Well after the close of the comment period, ATF received two inquiries regarding the use of other hydrated aluminosilicates to clarify standard wine: A 1:2 aluminum to silicon dioxide compound known by the name "Kaolin" which is commonly used in Western Europe and a 1.5:1 compound which is not as well known as Bentonite and Kaolin but which produces the same intended effect. In light of these inquiries, the list of authorized treating materials is amended to read "Hydrated aluminosilicates" with parenthetical references to Bentonite and Kaolin as examples of hydrated aluminosilicates.

Volatile Acidity

After the close of the comment period, ATF received several requests from producers of "late harvest" style wines for exceptions to the volatile acidity limitations prescribed in 27 CFR 4.21. In light of the interest, ATF is requesting

comments to proposed higher levels of volatile acidity in wines produced in the "late harvest" style.

Conclusion

Based on the review of the 40 comments received in response to Notice Nos. 413 and 426, ATF is implementing regulations which generally will: (1) Delete materials which are no longer in use in the production and cellar treatment of standard wine, (2) delete materials which are used solely in wines produced pursuant to formulas filed with the Bureau, (3) add new materials and processes to the lists of authorized treatments, (4) delete the sodium treating materials, (5) delete all references to brand names, (6) list the treating materials by component ingredients under generic designations, (7) prescribe usage levels in both American and metric units of measure, (8) prescribe revised limitations on use and updated regulatory references, (9) establish a procedure for experimentation with new treatments, and (10) revise the procedure for obtaining authorization to use new treatments on a commercial scale.

The following is a summary of the materials which are being deleted with a brief explanation of the justification for this action:

Material	Use	Reason(s) for final action
Acetic acid	To correct natural deficiencies in grape wine	Used in flavored wine; use authorized by submission and approval of a formula.
Acidex	To reduce excess natural acidity in wine	Brand name—now listed under component ingredients by generic designations.
Actiferm (Rovifer)	Fermentation adjunct	Brand name—no longer manufactured.
Alamin	To reduce trace metals in wine	Do.
Agar-agar	To filter and to clarify juice and wine	Use of inert filtering and clarifying aids covered in 27 CFR 240.528.
AMA special gelatine solution	To clarify wine	Brand name—now listed under component ingredients by generic designations.
Amber ByF and/or Amberex 1003	Yeast nutrient in fermentation of grape and fruit wine	Do.
Ammonium hydroxide	To adjust pH of water to dissolve casin for use in treatment of wine	Not a wine treating material.
Antifoam "A"; Antifoam AF emulsion; Antifoam C	Defoaming agent in production of wine	Brand name—now listed under component ingredients by generic designations.
Atmos 300	Antifoaming agent	Do.
Bentonite compound (Bentonite, activated carbon, and copper sulfate)	To clarify and to stabilize wine	Component ingredients listed separately in 27 CFR 240.1051.
Benzoic acid	To preserve wine	Ineffective treating material for intended use; not acceptable in good commercial practice.
Bone charcoal	To clarify wine	Obsolete term—see "activated carbon."
Carbon	To clarify and to purify wine	Do.
Carrageenan	To filter and to clarify juice and wine	Use of inert filtering and clarifying aids covered in 27 CFR 240.528.
Cellulose (food-grade)	do	Do.
Clari/Preme	To clarify and to stabilize wine	Brand name—no longer manufactured.
Cold Mix Sparkoloid	To clarify unfermented juice and/or wine	Brand name—now listed under component ingredients by generic designations.
Combustion product gas	To maintain pressure during filtering and bottling of sparkling wines	Obsolete term for carbon dioxide; method to produce carbon dioxide no longer used.
Compressed air	Aeration of sherry wine	Listed in 27 CFR 240.1051 under "Oxygen."
Culex	To remove trace metal from wine	Brand name—now listed under component ingredients by generic designations.
Diammonium monohydrogen phosphate	In honey wine production, the amount used shall not exceed 1.5 g/L of wine	Use in honey wine, i.e., agricultural wine, covered by formula approval. Use in other wines covered by general reference to "ammonium phosphate (mono- and dibasic)" in 27 CFR 240.1051.
Diatomaceous earth	To filter and to clarify juice and wine	Use of inert filtering and clarifying aids covered in 27 CFR 240.528.
Egg yolk	To clarify wine	Used in flavored wine; use authorized by submission of a formula.
Fermcozyme Vin	To clarify and to stabilize wine	Brand name—now listed under component ingredients by generic designations.
Fermcozyme Vin XX	do	Do.
Ferrix	To remove trace metal from wine	Brand name—no longer manufactured.
Freon (C-318 (octafluorocyclobutane))	Propellant in aerosol containers of vermouth	Not in use in winemaking.
Fulgur (hydrated aluminosilicate and albumen)	To clarify wine	Brand name—no longer in use in winemaking.
Klerzyme H. T.	To clarify and to stabilize wine and to facilitate separation of fruit from juice	Brand name—now listed under component ingredients by generic designations.
Koldone	A fining agent for cold stabilization and/or acid reduction	Do.
Metafine	To remove trace metal from wine	Do.
Milk powder	To clarify wine	Obsolete term. See "casein."

Material	Use	Reason(s) for final action
Mineral oil (white).....	On surface of wine in storage tanks to prevent the access of air to the wine.	No longer used. Replaced by using nitrogen in the headspace of storage tank.
Oak chips charred.....	To treat Spanish type blending sherry.....	Use authorized by submission and approval of a formula. 21 CFR 172.510.
Promine-D.....	To clarify and to stabilize wine.....	Brand name—no longer manufactured.
Protovac PV-7916.....	To clarify wine.....	Do.
Ridex-High.....	To stabilize wine.....	Do.
Sodium benzoate.....	do.....	Sodium compound—no longer acceptable in good commercial practice.
Sodium bisulfite.....	To sterilize and to preserve wine.....	Do.
Sodium carbonate.....	To reduce excess natural acidity in wine.....	Do.
Sodium caseinate.....	To clarify wine.....	Do.
Sodium citrate.....	pH control agent and sequestrant in treatment in citrus wines; pH control and smoothing agent in grape wines.	Do.
Sodium iso-ascorbate (sodium erythorbate).....	Antioxidant.....	Do.
Sodium metabisulfite.....	To sterilize and to preserve wine.....	Do.
Sodium sorbate.....	To sterilize and to preserve wine and to inhibit mold growth and secondary fermentation.	Do.
Sparkoloid No. 1.....	To clarify wine.....	Brand name—now listed under component ingredients by generic designations. 27 CFR 240.528.
Sparkoloid No. 2.....	To clarify wine.....	Do.
Sulfex.....	To remove objectionable levels of sulfide and mercaptans from wine.	Brand name—now listed under component ingredients by generic designations.
Takamine cellulase 4,000.....	To clarify wine.....	Do.
Tansul clays Nos. 7, 710, and 711.....	do.....	Obsolete term.
Uni-Loid Type 43 B (pure U.S.P. agar-agar and standard supercel).....	To clarify and to stabilize wine.....	Brand name—now listed under component ingredients by generic designations. 27 CFR 240.528.
Velitol.....	To smooth wine.....	Brand name—now listed by generic name, "maltol".
Velitol Plus.....	do.....	Brand name—now listed by generic name "ethyl maltol".
Wine clarifier (containing agar-agar and standard supercel).....	To clarify wine.....	Brand name—no longer manufactured.
Wine clarifier (Clari-Vine B) (containing locustbean gum, carrageenan, alginate, bentonite, agar-agar and diatomaceous earth).....	do.....	Do.
Yeastex.....	To facilitate fermentation.....	Do.
Yeastex 61.....	do.....	Brand name—now listed under component ingredients by generic designations.

In light of the comments received and the suggested revisions to the listings of wine treating materials and processes, AFT is making specific conforming changes in the following regulatory sections in Part 240: (1) Amendment of 27 CFR 240.361, 240.365, 240.401, and 240.405 to provide for the addition of water in the rehydration of dry activated yeast and the use of precipitating agents and inert pressing aids, e.g., rice hulls, in the production of wine, (2) revision of 27 CFR 240.361 and 240.365 to recognize the use of malolactic bacteria in the production of wine, (3) revision of 27 CFR 240.364, 240.404, 240.512, 240.526, and 240.539 pertaining to the use of acids in the production, amelioration, and treatment of wine, and (4) repeal of 27 CFR 240.523 and 240.525 pertaining to limitations on the use of antimicrobial agents and tannin, respectively.

Where appropriate, the third column entitled "Reference or Limitation" in the lists prescribed in 27 CFR 240.1051 and 240.1051a is revised to show levels of use in American units of measure with parenthetical metric equivalents since domestic winemakers work in American units rather than in metric units. The originally proposed metric measure is retained as an aid in scientific reference and to facilitate an international understanding of U.S. requirements.

Summary of Comments to Notice No. 414 (Reconstitution of Processed Wine)

The Bureau received 13 comments in response to the notice of proposed rulemaking, Notice No. 414, pertaining to the reconstitution of wines processed by thin-film evaporation under reduced pressure. Villa Bianchi Winery, the original petitioner, was one of eight wineries from which comments were received. The remaining five comments were from the Wine Institute, the German Embassy, Coudert Brothers on behalf of the Federal Republic of Germany, SWK Machines, Inc., a supplier of materials and machinery to the beverage and food industries, and Gresco Special Applications B.V., a West European company which supplies freeze concentration equipment to the food and beverage industries.

All but one of the commenters addressing the issues raised in the notice opposed the practice of reconstitution. Although the use of thin-film evaporation technology in commercial winemaking in the United States is a relatively new practice as opposed to the more traditionally-accepted winemaking practices, the majority of the commenters favored the application of this type of technology to domestic winemaking but were opposed to the practice of reconstituting the processed wine. Several commenters did express support for the refluxing of water lost through azeotropic action and

the return of this "old" water in a closed continuous system.

The original petitioner, Villa Bianchi Winery, regarded reconstitution as being acceptable in good commercial practice. All other commenters who addressed the issues raised in the notice indicated strong opposition to reconstitution. Similarly, only one commenter, again Villa Bianchi Winery, among the seven who addressed the label disclosure issue, felt that reconstitution, if permitted, should not require disclosure on beverage wine labels.

Refluxing

When Notice No. 414 was published, ATF had contemplated only the practice of restoring the volume of water lost with "new" water, i.e., distilled water or deionized water added in an open system. Two commenters, the Wine Institute and Paul Masson Vineyards, raised the issue of extending this question to include the refluxing of water and the return of this water to the wine from which it was originally extracted. These commenters expressed the opinion that this type of processing is acceptable in good commercial practice and should not be prohibited.

Refluxing involves adding back in a closed continuous system nearly all of the water and volatile materials which were in the wine prior to processing the wine by means of thin-film evaporation under reduced pressure. The only

original component of the wine which is removed to any significant degree is the ethyl alcohol. The system involves a series of evaporation stages wherein (1) alcohol, water, and volatile materials are extracted from standard wine and (2) the mixture of alcohol, water, and volatile materials is subsequently subjected to evaporation in order to fractionate the ethyl alcohol. The water and volatile material fraction returns in a closed continuous system to the same wine from which it was originally removed. Since the solution returned to the wine contains the water and many of the volatile materials extracted in the first stage, the wine resulting from such processing has, with the exception of its lower alcohol content, characteristics which are nearly identical to the characteristics of standard wine prior to being subjected to such processing.

Thermal Gradient Processing

Grenco Special Applications B.V. raised the question of whether a freeze concentration technique which separates wine thermally into gradients or layers would be acceptable under the provisions of section 5382(c) of the Internal Revenue Code of 1954, as amended, as good commercial practice in winemaking in the United States. The commenter proposed the use of the thermal gradient process to concentrate wine by removing the volume of water present in the wine. The commenter proposed to employ this process as a cost efficient method of transporting bulk wine which subsequently either could be blended in its concentrated form with standard wine or reconstituted by the addition of water. ATF has received applications from two winemakers to use thermal gradient processing to separate standard wine into low alcohol and high alcohol wine fractions both having alcohol contents of less than 24 percent by volume. Analyses of samples representative of these fractions confirm that both the high alcohol and low alcohol fractions obtained from thermal gradient processing retain vinous character.

Conclusion

On the basis of the review of the comments received, ATF finds that reconstitution, i.e., the addition of water to wine in order to restore the volume of water lost through thin-film evaporation, is not acceptable in "good commercial practice" and, accordingly, under the authority provided in 26 U.S.C. 5382(c), prohibits this practice in the cellar treatment of wine. Further, having evaluated the comments addressing the issue of refluxing, i.e., the separation of water from the mixture of alcohol and

water obtained as a byproduct from thin-film evaporation and the return of this water in a closed continuous system to the low alcohol wine fraction, ATF finds that the refluxing operation is acceptable in good commercial practice and need not be disclosed in labeling. Application of thermal gradient processing, i.e., the use of cold to fractionate standard wine into low alcohol and high alcohol wine fractions, is deemed to be acceptable in good commercial practice provided no water is added to either fraction. Standard wine subjected to such processing and subsequently reconstituted in the United States would no longer be classed as standard wine and would become "other than standard" for designation and labeling purposes.

Public Participation

Concurrent with the publication of this final rule, the Bureau is issuing a notice of proposed rulemaking, Notice No. 543, in which the Bureau requests comments pertaining to certain materials which the Bureau deems to merit additional data prior to final rulemaking. Commenters are encouraged to read the preceding paragraphs in which the agency has addressed the comments received in response to Notice Nos. 413 and 426. Specific comments are being solicited via the notice of proposed rulemaking regarding (1) proposed maximum residual sulfur dioxide levels for red and rose wines, white wines, and wine produced from juice having high solids content, (2) the acceptability in "good commercial practice" of using either activated carbon or hydrogen peroxide or an "anthocyanase" enzyme preparation to decolorize the juice obtained from crushing red and black grapes, (3) the acceptability of the continued use of maltol or ethyl maltol in the treatment of wine, (4) the proposed 3-fold increase in the presently imposed one percent by volume limitation on the addition of water to wine via water slurries used in the preparation of treating materials, (5) proposed maximum levels for ethyl acetate and hydrogen sulfide in standard wine, (6) proposed volatile acidity levels of 0.15 gram per 100 milliliters for white wine produced from unameliorated juice having a minimum solids content of 28° Brix and of 0.17 gram per 100 milliliters for red wine produced from unameliorated juice having a minimum solids content of 28° Brix, (7) ATF's proposal, based on the review of comments received in response to Notice Nos. 413 and 426, to delete the parabens and propylene glycol, a solvent used in the preparation

of the parabens, from the list of authorized treating materials, (8) the continued use of potassium benzoate to preserve wine, (9) ATF's proposal to permit the addition of acid to 9 parts per thousand in white wines containing 5 or more grams of sugar per liter, and, (10) ATF's proposal that the authorized level of sorbic acid in finished wine be further reduced from 300 to 200 milligrams per liter.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable because this final rule will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

Under the provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. 3507, and its implementing regulations, 5 CFR Part 1320, ATF requested approval by the Office of Management and Budget (OMB) of the recordkeeping requirements prescribed in §§ 240.1052 and 240.1053. These requirements have been approved by OMB Control No. 1512-0292. The records required in these sections are not newly required; however, these regulations are more

specific as to the types of information which must be made a part of an application to employ a material or process in the cellar treatment of standard wine. Public comments relating to paperwork burdens are discussed earlier in this preamble.

Drafting Information

The principal author of this document is Coordinator Michael J. Breen of the FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms. ATF Chemist Randolph H. Dyer, ATF Wine Technical Advisor Richard M. Gahagan, and ATF International Liaison Officer Gale Guinand have assisted in the preparation of this document.

List of Subjects in 27 CFR Part 240

Administrative practice and procedure, Authority delegations, Claims, Electronic funds transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Transportation, Warehouse, Wine and vinegar.

Authority: These regulations are issued under the authority contained in 26 U.S.C. 5382 (72 Stat. 1383, as amended) and 26 U.S.C. 7805 (68A Stat. 917, as amended).

Accordingly, Title 27, Code of Federal Regulations, Part 240 is amended as follows:

PART 240—WINE

Subpart P—Production and Treatment of Natural Grape Wine

Par. 1. Section 240.361 is amended to provide for the addition of water to rehydrate dry activated yeast and for the use of malo-lactic bacteria, precipitating agents, and inert pressing aids. Section 240.361 is amended by revising paragraphs (b)–(d) to read as follows:

§ 240.361 Materials.

* * * * *

(b) Yeast or yeast cultures grown in grape juice, to any extent desired, provided that where dry activated yeast has been rehydrated by the addition of water, the volume of water used to rehydrate the yeast shall not exceed 15 liters of water for each kilogram of yeast, and the increase in volume of the juice shall not exceed 0.5 percent by volume;

(c) Malo-lactic bacteria listed in Subpart ZZ of this part; and,

(d) Yeast nutrients, sterilizing and precipitating agents, inert pressing aids, or fermentation adjuncts listed in Subpart ZZ of this part.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383, as amended, 1384, as amended (26 U.S.C. 5381, 5382, 5383))

Par. 2. Section 240.364 is amended to conform with § 240.1051 in respect to the use of fumaric acid and lactic acid to correct natural acid deficiencies in grape wine. Section 240.364 is revised to read as follows:

§ 240.364 Addition of acid to correct natural deficiencies in grape wine.

(a) *General.* Prior to and/or during fermentation, tartaric acid or malic acid, or a combination of both tartaric acid and malic acid, may be added to correct natural deficiencies in the fruit or juice, and after fermentation is completed, citric, fumaric, lactic, malic, or tartaric acid, or a combination of two or more of these acids, may be added to wine to correct natural deficiencies within the limitations prescribed in § 240.1051 and to the extent that the finished wine does not contain more than 8 grams per liter of fixed acid (calculated as tartaric acid). Where ameliorating material, as authorized in § 240.366, is used in the production of grape wine, no acid may be used to correct deficiencies.

(b) *Record.* A record of the quantity of acid used under the provisions of this section shall be kept in accordance with the provisions of § 240.917.

(c) *Other acids.* If the winemaker desires to use other organic acids, the requirements of § 240.1053 shall be followed. If the winemaker desires to use acid to stabilize wine, the requirements of § 240.526 shall be followed.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

Par. 3. Section 240.365 is amended to provide for the addition of water to dry activated yeast and for the use of malo-lactic bacteria, precipitating agents, and inert pressing aids. Section 240.365 is amended by revising paragraphs (a)–(c) to read as follows:

§ 240.365 Materials.

* * * * *

(a) Yeast or yeast cultures grown in grape juice, to any extent desired, provided that where dry activated yeast has been rehydrated by the addition of water, the maximum volume of water used to rehydrate the yeast shall not exceed 15 liters for each kilogram of yeast, and the maximum increase in volume of the juice is 0.5 percent by volume;

(b) Malo-lactic bacteria listed in Subpart ZZ of this part; and,

(c) Yeast nutrients, sterilizing and precipitating agents, inert pressing aids,

or fermentation adjuncts listed in Subpart ZZ of this part.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1384, as amended (26 U.S.C. 5383))

Subpart Q—Production and Treatment of Natural Fruit Wine

Par. 4. Section 240.401 is amended to provide for the addition of water to dry activated yeast and for the use of precipitating agents. Section 240.401 is amended by revising paragraphs (a) and (b) to read as follows:

§ 240.401 Materials.

* * * * *

(a) Yeast or yeast cultures grown in juice of the same kind of fruit, to any extent desired, provided that where dry activated yeast has been rehydrated by the addition of water, the maximum volume of water used to rehydrate the yeast is 15 liters for each kilogram of yeast, and the maximum increase in volume of the juice shall not exceed 0.5 percent by volume; and,

(b) Yeast nutrients, sterilizing and precipitating agents, inert pressing aids, or fermentation adjuncts listed in Subpart ZZ of this part.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383, as amended (26 U.S.C. 5381))

Par. 5. Section 240.404 is amended to include a reference to § 240.526 providing for the addition of fumaric acid to stabilize wine. Section 240.404 is revised to read as follows:

§ 240.404 Addition of acid to correct natural deficiencies in fruit wine.

(a) *General.* Acid of the kinds occurring in a fruit may be added to correct natural deficiencies in the fruit, or juice, or wine made therefrom, within the limitations prescribed in § 240.1051 and to the extent that the finished wine does not contain more than 7 grams of fixed acid per liter of wine (calculated as malic acid for apples and citric acid for other fruits or berries). Only malic acid may be added to apple wine and only citric acid may be added to citrus fruit wine. Citric acid or malic acid, or a combination of citric acid and malic acid, may be added to other fruit wines to correct natural acid deficiencies. Where ameliorating material, as authorized in § 240.407, is used in the production of fruit wine, no acid may be used to correct natural acid deficiencies.

(b) *Record of use.* A record of the use of acid under the provisions of this section shall be kept in accordance with the provisions of § 240.917.

(c) *Other acids.* If the winemaker desires to use other organic acids, the requirements of § 240.1053 shall be

followed. If the winemaker desires to add acid to stabilize wine, the requirements of § 240.526 shall be followed.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

Par. 6. Section 240.405 is amended to provide for the addition of water to dry activated yeast and for the use of precipitating agents and inert pressing aids. Section 240.405 is amended by revising paragraphs (a)-(b) to read as follows:

§ 204.405 Materials.

(a) Yeast or yeast cultures grown in juice of the same kind of fruit, to any extent desired, provided that where dry activated yeast has been rehydrated by the addition of water, the maximum volume of water used to rehydrate the yeast is 15 liters for each kilogram of yeast, and the maximum increase in volume of the juice shall not exceed 0.5 percent by volume; and,

(b) Yeast nutrients, sterilizing and precipitating agents, inert pressing aids, or fermentation adjuncts listed in Subpart ZZ of this part.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1385, as amended (26 U.S.C. 5384))

Par. 7. Section 240.512 is amended to include by reference to 27 CFR 240.1051 various acids which may be employed in preparing still wine for the production of effervescent wine and in the refermentation and finishing of effervescent wine. Section 240.512 is revised to read as follows:

§ 240.512 Process and materials.

In preparing still wine for the production of effervescent wine, pure sugar or a solution of pure sugar and water of not less than 60° Brix, and acid of the kinds and within the limitations prescribed in 27 CFR 240.364 may be added with yeast or yeast culture to facilitate the process of secondary fermentation or to correct the acidity of the wine. Fruit syrup, pure sugar, a solution of pure sugar and water of not less than 60° Brix, wine, wine spirits, and acid may be used in preparing a finishing dosage for sparkling wine or carbonated wine. The fruit syrup, wine spirits and wine so used shall come from the same kind of fruit as the wine from which the sparkling wine or carbonated wine is made. In the production of effervescent natural wine, taxpaid wine spirits or wine spirits withdrawn tax-free under the provisions of Subpart PP of this part may be used. Tax-free wine spirits may not be used in the production of effervescent wine which is not natural wine. In the refermentation

and finishing of the effervescent wine, the acids and materials specifically authorized in § 240.1051 for correction of acid deficiencies or for stabilization may be used.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

§ 240.523 [Reserved]

Par. 8. Section 240.523 is repealed since the limitations on the use of sulfiting agents are prescribed in §§ 240.1051 and 4.22. Section 240.523 is removed and reserved.

§ 240.525 [Reserved]

Par. 9. Section 240.525 pertaining to the addition of tannin to wine in order to facilitate the precipitation of fining agents is repealed since the various uses of tannin as a treating material in wine are prescribed in 27 CFR § 240.1051. Section 240.525 is removed and reserved:

Par. 10. Section 240.526 is amended to provide for the use of citric acid to stabilize standard wine other than citrus wine and to provide for the use of fumaric acid to stabilize standard wine. Section 240.526 is revised to read as follows:

§ 240.526 Addition of acid to stabilize standard wine.

Standard wine other than citrus wine may be stabilized by the addition of not more than 5.8 pounds of citric acid per 1,000 gallons of wine within the limitations of § 240.1051. Standard wine including citrus wine may be stabilized by the addition of not more than 25 pounds of fumaric acid per 1,000 gallons of wine within the limitations of § 240.1051. The record required by § 240.917 must be maintained to document the quantity of each acid used to stabilize standard wine.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

Par. 11. Section 240.528 is amended to include specific references to agar-agar, carrageenan, cellulose, and diatomaceous earth as inert filtering and clarifying aids and to specify that a record of use must be maintained if these materials are dissolved in water slurries. Section 240.528 is revised to read as follows:

§ 240.528 Filtering and clarifying aids.

Inert fibers, pulps, earths, or similar materials, may be used as filtering or clarifying aids in the cellar treatment and finishing of wine. Agar-agar, carrageenan, cellulose, and diatomaceous earth are commonly employed inert filtering and clarifying aids. There is no limitation on the use of

such inert materials as filtering or clarifying aids; however, where such materials are dissolved in water prior to addition to wine, the record required in § 240.908 shall be maintained. Filtering and clarifying aids which contain active chemical ingredients or which have been so treated that their use alters the character of wine may be used only in accordance with the provisions of Subpart ZZ of this part.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

Par. 12. Section 240.539 is amended to provide for the addition of citric and fumaric acids to stabilize standard wine other than citrus wine. Section 240.539 is revised to read as follows:

§ 240.539 Addition of acid.

Citric acid, fumaric acid, or a combination of citric acid and fumaric acid, may be added to wine treated in accordance with the provisions of §§ 240.536-240.538, only for stabilization, within the limitations provided in § 240.526.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

Par. 13. Section 240.908 is amended to require a record of the volume of water based treating material(s) added to bulk wine. Section 240.908 is amended by revising the introductory text of the section and paragraph (d) to read as follows:

§ 240.908 Record of bulk still wine.

Each proprietor of a bonded wine cellar who produces or receives still wine, other than distilling material or vinegar stock made with excess water, shall maintain a daily record of transactions for bulk still wine. A separate record (verifiable by source records) shall be maintained for each tax class of still wine. The record shall contain the following:

(d) The quantity used and produced by sweetening, amelioration, or addition of wine spirits established by measurements taken before and after production. In addition, the record shall contain the kind and quantity of any material added to the wine and where a treating material is dissolved or dispersed in water in accordance with the provisions of Subpart ZZ of this part, the volume(s) of water based treating material(s) added to the bulk wine;

(Sec. 201, Pub. L. 85-859, 72 Stat. 1381, as amended (26 U.S.C. 5367))

Par. 14. The title of Subpart ZZ is revised to read as follows:

Subpart ZZ—Materials and Processes Authorized for Treatment of Wine Juice and Distilling Material

Par. 15. The title and text of § 240.1051 are revised to read as follows:

§ 240.1051 Materials authorized for treatment of wine and juice.

The materials listed in this section are approved, as being consistent with good commercial practice, for use by

proprietors of bonded wine cellars in the production, cellar treatment, or finishing of wine, and where applicable in the treatment of juice, within the general limitations of § 240.524 or the limitations specified in this section: *Provided:* (a) That when the specified use or limitation of any material on this list is determined to be unacceptable by the U.S. Food and Drug Administration, the Director may cancel or amend the

approval for use of the material in the production, cellar treatment, or finishing of wine; and (b) That where water is added to facilitate the solution or dispersal of a material, the volume of water added, whether the material is used singly or in combination with other water based treating materials, must not total more than 1 percent of the volume of treated wine and/or the juice from which such wine is produced.

Materials	Use	Reference or limitation
Acacia (gum arabic).....	To clarify and to stabilize wine.....	The amount used shall not exceed 2 lbs/1,000 gals. (0.24 g/L) of wine. 21 CFR 184.1330 (GRAS). ¹
Activated carbon.....	To assist precipitation during fermentation.....	27 CFR 240.361, 240.365, 240.401 and 240.405. GRAS per FDA advisory opinion dated 1/26/79.
	To clarify and to purify wine.....	The amount used to clarify and to purify wine shall be included in the total amount of activated carbon used to remove excessive color in wine. 27 CFR 240.524, 240.527 and 240.527a (GRAS).
	To remove excessive color in white wine.....	The amount used shall not exceed 9 lbs/1,000 gals. (1.08 g/L) of wine. If the amount used exceeds this limit, a notice is required pursuant to 27 CFR 240.527a (GRAS).
	To remove excessive color in pale dry sherry or cocktail sherry.....	The amount used shall not exceed 25 lbs/1,000 gals. (3.0 g/L) of wine. 27 CFR 240.527 (GRAS).
	To reduce color in the juice from red and black grapes.....	The amount used to reduce color must not exceed 4 lbs/1,000 gals. (0.48 g/L) of juice. Wine made from juice so treated shall have a color of not more than 95 percent transmittance per AOAC Method 11.003-11.004 (13th Ed.) or equivalent. May be prepared in a light brine: 1 oz. (28.35 grams) potassium chloride, 2 lbs (907.2 grams) egg white, 1 gal. (3.785 L) of water. Usage not to exceed 1.5 gals. of solution per 1,000 gals. of wine. (GRAS).
Albumen (egg white).....	Fining agent for wine.....	21 CFR 182.2727, 182.2729, 184.1155 (GRAS) and 186.1256. The sodium content of the wine shall not be increased by such treatment. Request for (GRAS) advisory opinion pending.
Alumino-silicates (hydrated) e.g., Bentonite (Wyoming clay) and Kaolin.....	To clarify wine.....	The natural fixed acids shall not be reduced below 5 g/L. The amount used shall not exceed 2 lbs/1,000 gals. (0.24 g/L). 21 CFR 184.1137 (GRAS).
Ammonium carbonate.....	Yeast nutrient to facilitate fermentation in wine.....	As a yeast nutrient in wine production, the amount shall not exceed 1.7 lbs/1,000 gals. (0.20 g/L). In the production of sparkling wines, the amount used shall not exceed 8 lbs/1,000 gals. (1.00 g/L) of wine. 21 CFR 184.1141 (GRAS).
Ammonium phosphate (mono- and di-basic).....	Yeast nutrient in wine production and to start secondary fermentation in the production of sparkling wines.....	May be added to fruit, grapes, berries, and other materials used in wine production, to the juice of such materials, or to the wine, within limitations which do not alter the class or type of the wine. 21 CFR 182.3013 and 182.3041 (GRAS).
Ascorbic acid, iso-ascorbic acid (erythroic acid).....	To prevent oxidation of color and flavor components of juice and wine.....	21 CFR 172.896, 184.1983. GRAS per FDA advisory opinion of 10/06/59.
Autolyzed yeast.....	Yeast nutrient to facilitate fermentation in the production of grape or fruit wine.....	The natural or fixed acids shall not be reduced below 5 g/L. 21 CFR 184.1069, 184.1099, and 184.1191. (GRAS).
Calcium carbonate (with or without calcium salts of tartaric and malic acids).....	To reduce the excess natural acid in high acid wine.....	The amount used shall not exceed 30 lbs/1,000 gals. (3.59 g/L) of wine. The calcium sulfate content of the finished wine shall not exceed 16.69 lbs/1,000 gals. (2.0 g/L). 27 CFR 240.385; 21 CFR 184.1230 (GRAS).
Calcium sulfate (gypsum).....	To lower pH in sherry wine.....	27 CFR 240.531 through 240.535; 21 CFR 184.1240 (GRAS).
Carbon dioxide.....	To stabilize ³ and to preserve wine.....	The carbon dioxide content of the finished wine shall not be increased during the transfer operation. 27 CFR 240.510.
	To maintain counterpressure during the transfer of sparkling wines.....	GRAS per FDA opinions of 2/23/60 and 8/25/61. 27 CFR 240.526.
Casein, potassium salt of casein.....	To clarify wine.....	27 CFR 240.364, 240.404, and 240.512; 21 CFR 182.1033 (GRAS).
Citric acid.....	To correct natural acid deficiencies in wine.....	The amount of citric acid shall not exceed 5.8 lbs/1,000 gals. (0.7 g/L). 27 CFR 240.526, 240.539; 21 CFR 182.1033 (GRAS).
	To stabilize wine other than citrus wine.....	The quantity of copper sulfate added (calculated as copper) shall not exceed 0.5 part copper per million parts of wine with the residual level of copper not to be in excess of 0.2 part per million. GRAS per FDA advisory opinion of 7/23/68.
Copper sulfate.....	To remove hydrogen sulfide and/or mercaptans from wine.....	Defoaming agents which are 100% active may be used in amounts not exceeding 0.15 lbs/1,000 gals. (0.018 g/L) of wine. Defoaming agents which are 30% active may be used in amounts not exceeding 0.5 lbs/1,000 gals. (0.06 g/L) of wine. Silicon dioxide shall be completely removed by filtration. The amount of silicon remaining in the wine shall not exceed 10 parts per million and no soluble residue in excess of 25 parts per million shall remain in the wine. 21 CFR 173.340.
Defoaming agents: (polyoxyethylene 40 monostearate, silicon dioxide, dimethylpoly-siloxane, and sorbitan monostearate).....	To control foaming.....	The enzyme preparation used shall be prepared from nontoxic and nonpathogenic microorganisms in accordance with good manufacturing practice and be approved for use in food by either FDA regulation or by FDA advisory opinion.
Enzymatic activity.....		The amylase enzyme activity shall be derived from <i>Aspergillus niger</i> , <i>Aspergillus oryzae</i> , <i>Bacillus subtilis</i> , or barley malt per FDA advisory opinion of 8/18/83 or from <i>Rhizopus oryzae</i> per 21 CFR 173.130 or from <i>Bacillus licheniformis</i> per 21 CFR 184.1027.
Carbohydrase (alpha-Amylase).....	To convert starches to fermentable carbohydrates.....	The amylase enzyme activity shall be derived from barley malt per FDA advisory opinion dated 8/18/83.
Carbohydrase (beta-Amylase).....	To convert starches to fermentable carbohydrates.....	The amylase enzyme activity shall be derived from <i>Aspergillus niger</i> or <i>Aspergillus oryzae</i> per FDA advisory opinion dated 8/18/83 or from <i>Rhizopus oryzae</i> per 21 CFR 173.130 or from <i>Rhizopus niveus</i> per 21 CFR 173.110.
Carbohydrase (Glucosylase, Amyloglucosidase).....	To convert starches to fermentable carbohydrates.....	The enzyme activity used shall be derived from <i>Aspergillus niger</i> or bovine liver per FDA advisory opinion dated 8/18/83 (GRAS).
Catalase.....	To clarify and to stabilize wine.....	The enzyme activity used shall be derived from <i>Aspergillus niger</i> per FDA advisory opinion dated 8/18/83 (GRAS).
Cellulase.....	To clarify and to stabilize wine and to facilitate separation of the juice from the fruit.....	The enzyme activity used shall be derived from <i>Aspergillus niger</i> per FDA advisory opinion of 8/18/83 (GRAS).
Glucose oxidase.....	To clarify and to stabilize wine.....	The enzyme activity used shall be derived from <i>Aspergillus niger</i> per FDA advisory opinion dated 8/18/83 (GRAS).
Pectinase.....	To clarify and to stabilize wine and to facilitate separation of juice from the fruit.....	The enzyme activity used shall be derived from <i>Aspergillus niger</i> or <i>Bacillus subtilis</i> per FDA advisory opinion dated 8/18/83 or from <i>Bacillus licheniformis</i> per 21 CFR 184.1027 (GRAS).
Protease (general).....	To reduce or to remove heat labile proteins.....	

Materials	Use	Reference or limitation
Protease (Bromelin)	To reduce or to remove heat labile proteins	The enzyme activity used shall be derived from <i>Ananas comosus</i> or <i>Ananas bracteatus</i> (L) per FDA advisory opinion dated 8/18/83 (GRAS).
Protease (Ficin)	To reduce or to remove heat labile proteins	The enzyme activity used shall be derived from <i>Ficus</i> spp. per FDA advisory opinion dated 8/18/83 (GRAS).
Protease (Papain)	To reduce or to remove heat labile proteins	The enzyme activity used shall be derived from <i>Carica papaya</i> (L) per 21 CFR 184.1585 (GRAS).
Protease (Pepsin)	To reduce or to remove heat labile proteins	The enzyme activity used shall be derived from porcine or bovine stomachs per FDA advisory opinion dated 8/18/83 (GRAS).
Protease (Trypsin)	To reduce or to remove heat labile proteins	The enzyme activity used shall be derived from porcine or bovine pancreas per FDA advisory opinion dated 8/18/83 (GRAS).
Ethyl maltol	To smooth wine	Use limited to not more than 100 mg/L. 21 CFR 172.515.
Ferrocyanide compounds (sequestered complexes)	To remove trace metal from wine and to remove objectionable levels of sulfide and mercaptans from wine	No insoluble or soluble residue in excess of 1 part per million shall remain in the finished wine and the basic character of the wine shall not be changed by such treatment. GRAS per FDA advisory opinion of 6/22/82.
Ferrous sulfate	To clarify and to stabilize wine	The amount used shall not exceed 3 ozs./1,000 gals. (0.022 g/L) of wine. 21 CFR 182.8315 (GRAS).
Fumaric acid	To correct natural acid deficiencies in grape wine	Use must not exceed 25 lbs/1,000 gals. (3.0 g/L). 27 CFR 240.364, 240.404, and 240.512. 21 CFR 172.350. The fumaric acid content of the finished wine shall not exceed 3.0 g/L.
	To stabilize wine	Use must not exceed 25 lbs/1,000 gals. (3.0 g/L). 27 CFR 240.526, 240.539. 21 CFR 172.350. The fumaric acid content of the finished wine shall not exceed 3.0 g/L. (GRAS).
Gelatin (food grade)	To clarify juice or wine	The amount used shall not exceed 10 lbs/1,000 gals. of wine (1.2 g/L). Request for GRAS advisory opinion pending.
Granular cork	To treat wine	Amount used shall not exceed 3 parts per million. The finished wine shall contain no residual hydrogen peroxide. (GRAS).
Hydrogen peroxide	To facilitate secondary fermentation in the production of sparkling wine	The amount used shall not exceed 500 parts per million. The use of hydrogen peroxide is limited to oxidizing color pigment in the juice of red and black grapes. 21 CFR 182.1366 (GRAS).
	To remove color from the juice of red and black grapes	Request for GRAS advisory opinion pending.
Icing glass	To clarify wine	27 CFR 240.364 and 240.512; 21 CFR 182.1061 (GRAS).
Lactic acid	To correct natural acid deficiencies in grape wine	27 CFR § 240.364, 240.404, and 240.512. 21 CFR 184.1069 (GRAS).
Malic acid	To correct natural acid deficiencies in juice or wine	Malo-lactic bacteria of the type <i>Leuconostoc oenos</i> may be used in treating wine. Request for GRAS advisory opinion pending.
Malo-lactic bacteria	To stabilize grape wine	Use limited to not more than 250 mg/L. 21 CFR 172.515.
Maltol	To smooth wine	21 CFR 184.1540 (GRAS).
Nitrogen gas	To maintain pressure during filtering and bottling or canning of wine and to prevent oxidation of wine	21 CFR 172.510.
Oak chips or particles, uncharred and untreated	To smooth wine	
Oxygen and compressed air	In baking or maturing wine and aeration of sherry	May be used provided it does not cause changes in the wine other than those occurring during the usual storage in wooden cooperage over a period of time.
Parabens (n-alkyl esters of p-hydroxybenzoic acid: heptyl-, Propyl-, and methyl-)	To preserve wine	Use separately or in combination must not exceed 0.1 percent by weight (w/w). Use of n-heptyl-paraben must not exceed 12 parts per million. 21 CFR 172.145, 184.1490, 184.1670 (GRAS).
Polyvinyl-pyrrolidone (PVPP)	To clarify and to stabilize wine	The amount used shall not exceed 6 lbs/1,000 gals. (0.72 g/L) of wine. Material shall be removed during filtration. 21 CFR 173.50.
Polyvinyl-pyrrolidone (PVP)	To clarify wine	The residual level of PVP in the finished wine shall not exceed 60 parts per million. 21 CFR 173.55.
Potassium benzoate	To preserve wine	Use separately or in combination with other approved antimicrobial agents must not exceed 0.1 percent of the volume of juice and/or wine so treated. GRAS advisory opinion pending.
Potassium bitartrate	To stabilize grape wine	The amount used shall not exceed 35 lbs/1,000 gals. (4.19 g/L) of grape wine. 21 CFR 184.1077 (GRAS).
Potassium carbonate and/or potassium bicarbonate	To reduce excess natural acidity in wine	The natural or fixed acids shall not be reduced below 5 parts per thousand (5 g/L). 21 CFR 184.1613 and 184.1619 (GRAS).
Potassium citrate	pH control agent and sequestrant in treatment of citrus wines	The amount of potassium citrate shall not exceed 25 lbs/1,000 gals. (3.0 g/L) of finished wine. 27 CFR 240.404; 21 CFR 182.1625 and 182.6625 (GRAS).
Potassium metabisulfite	To sterilize and to preserve wine	The sulfur dioxide content of the finished wine shall not exceed the limitations prescribed in 27 CFR 4.22. 21 CFR 182.3637 (GRAS).
Propylene glycol	Solvent for parabens	The amount used shall not exceed 40 parts per million in wine. 21 CFR 184.1666 (GRAS).
Silica gel (colloidal silicon dioxide)	To clarify wine	Use shall not exceed the equivalent of 20 lbs. colloidal silicon dioxide at a 30% concentration per 1,000 gals. of wine. (2.4 g/L). Silicon dioxide shall be completely removed by filtration (GRAS).
Sorbic acid and potassium salt of sorbic acid	To sterilize and to preserve wine; to inhibit mold growth and secondary fermentation	The finished wine shall contain not more than 300 milligrams of sorbic acid per liter of wine. 21 CFR 183.3089 and 182.3640 (GRAS).
Soy flour (defatted)	Yeast nutrient to facilitate fermentation of wine	The amount used shall not exceed 2 lbs/1,000 gals. (0.24 g/L) of wine (GRAS).
Sulfur dioxide	To sterilize and to preserve wine	The sulfur dioxide content of the finished wine shall not exceed the limitations prescribed in 27 CFR 4.22(b)(1). 21 CFR 182.3862 (GRAS).
Tannin	To adjust tannin content in apple juice or wine	The residual amount of tannin shall not exceed 3.0 g/L, calculated as gallic acid equivalents (GAE). GRAS per FDA advisory opinions dated 4/6/59 and 3/29/60.
	To clarify or to correct tannin deficiencies in grape juice or wine	The residual amount of tannin, calculated in gallic acid equivalents, shall not exceed 0.8 g/L in white wine and 3.0 g/L in red and rose wines. Only tannin which does not impart color may be used in the cellar treatment of juice or wine. GRAS per FDA advisory opinions dated 4/6/59 and 3/29/60.
Tartaric acid	To correct natural acid deficiencies in grape juice or grape wine	Use as prescribed in 27 CFR 240.364 and 240.512; 21 CFR 184.1099 (GRAS).
Thiamine hydrochloride	Yeast nutrient to facilitate fermentation of wine	The amount used shall not exceed 0.005 lb/1,000 gals. (0.6 mg/L) of wine or juice. 21 CFR 184.1875 (GRAS).
Urea	Yeast nutrient to facilitate fermentation of wine	The amount used shall not exceed 2 lbs/1,000 gals. (0.24 g/L) of wine. 21 CFR 184.1923 (GRAS).

¹ GRAS—An acronym for "generally recognized as safe." The term means that the treating material has an FDA listing in Title 21, Code of Federal Regulations, Part 182 or Part 184, or is considered to be generally recognized as safe by the U.S. Food and Drug Administration.

² AOAC—Association of Official Analytical Chemists.

³ To stabilize—To prevent or to retard unwanted alteration of chemical and/or physical properties.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1383, as amended (26 U.S.C. 5381, 5382, 5385, 5386, and 5387))

Par. 16. A new § 240.1051a is added and reads as follows:

§ 240.1051a Materials authorized for treatment of distilling material.

The materials listed in this section as well as the materials listed in § 240.1051

are approved as being consistent with good commercial practice for use by proprietors of bonded wine cellars in the treatment of distilling material within the limitations specified in this section: *Provided*, That when the specified use

or limitation of any material on this list is determined to be unacceptable by the U.S. Food and Drug Administration, the Director may cancel or amend the approval for use of the material in the treatment of distilling material.

Materials	Use	Reference or limitation
Ammonium phosphate (mono- and di-basic).	Yeast nutrient in distilling material.....	The amount used shall not exceed 10 lbs/1,000 gals. (1.2 g/L). 21 CFR 184.1141 (GRAS). ¹
Amylase enzyme activity		The enzyme preparation used shall be prepared from nontoxic and nonpathogenic microorganisms in accordance with good manufacturing practice and be approved for use in food by either FDA regulation or by FDA advisory opinion.
Carbohydrase (alpha-Amylase)	To convert starches to fermentable carbohydrates.....	The amylase enzyme activity shall be derived from <i>Aspergillus niger</i> , <i>Aspergillus oryzae</i> , <i>Bacillus subtilis</i> , or barley malt per FDA advisory opinion of 8/18/83 or from <i>Rhizopus oryzae</i> per 21 CFR 173.130 or from <i>Bacillus licheniformis</i> per 21 CFR 184.1027.
Carbohydrase (beta-Amylase)	To convert starches to fermentable carbohydrates.....	The amylase enzyme activity shall be derived from barley malt per FDA advisory opinion dated 8/18/83.
Carbohydrase (Glucosylase, Amyloglucosidase).	To convert starches to fermentable carbohydrates.....	The amylase enzyme activity shall be derived from <i>Aspergillus niger</i> or <i>Aspergillus oryzae</i> per FDA advisory opinion dated 8/18/83 or from <i>Rhizopus oryzae</i> per 21 CFR 173.130 or from <i>Rhizopus niveus</i> per 21 CFR 173.110.
Copper sulfate	To eliminate hydrogen sulfide and mercaptans	The finished brandy or wine spirits produced from distilling material to which copper sulfate has been added shall not contain more than 2 parts per million (2 mg/L) residual copper. GRAS per FDA advisory opinion of 7/23/69.
Hydrogen peroxide	To reduce the bisulfite aldehyde complex in distilling material.....	The amount used shall not exceed 200 parts per million. 21 CFR 182.1366 (GRAS).
Potassium permanganate	Oxidizing agent.....	The finished brandy or wine spirits produced from distilling material to which potassium permanganate has been added must be free of chemical residue resulting from such treatment (GRAS).
Sodium benzoate	To prevent fermentation of the sugar in special natural wine being accumulated as distilling material.....	The amount used shall not exceed 0.1% (w/w). 21 CFR 184.1733 (GRAS).
Sodium hydroxide	Acid neutralizing agent.....	The finished brandy or wine spirits produced from distilling material to which sodium hydroxide has been added must be free of chemical residue resulting from such treatment. 21 CFR 184.1763 (GRAS).
Sulfuric acid	To effect favorable yeast development in distilling material; to prevent fermentation of the sugar in special natural wine being accumulated as distilling material; to lower pH to 2.5 to prevent putrefaction and/or ethyl acetate development.	27 CFR 240.486; 21 CFR 184.1095 (GRAS).

¹ GRAS—An acronym for "generally recognized as safe." The term means that the treating material has an FDA listing in Title 21, Code of Federal Regulations, Part 182 or Part 184, or is considered to be generally recognized as safe by the U.S. Food and Drug Administration.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1383, as amended (26 U.S.C. 5381, 5382, 5385, 5386, and 5387))

Par. 17. A new § 240.1051b is added and reads as follows:

§ 240.1051b Processes authorized for the treatment of wine, juice, and distilling material.

The processes listed in this section are approved, as being consistent with

good commercial practice, for use by proprietors of bonded wine cellars in the production, cellar treatment, or finishing of standard wine, juice, and distilling material, within the general limitations of § 240.524 or the limitations specified in this section: *Provided*, That when the specified use or limitation of any

process on this list is determined to be unacceptable for use in foods and beverages by the U.S. Food and Drug Administration, the Director may cancel or amend the approval for use of the process in the production, cellar treatment, or finishing of standard wine, juice, and distilling material.

Processes	Use	Reference or limitation
Ion exchange	Various applications in the treatment of wine	Anion, cation, and non-ionic resins, except those anionic resins in the mineral acid state, may be used in batch or continuous column processes as total or partial treatment of wine, provided that with regard to the finished wine: 1. Such treatment does not alter the vinous character of the wine. 2. The treatment does not reduce the color of the wine to less than that normally contained in such wine. 3. The treatment does not increase inorganic anions in the wine by more than 10 mg/L. 4. The treatment does not reduce the metallic cation concentration in the wine to less than 300 mg/L. 5. The treatment does not reduce natural or fixed acid in grape wine below 4 g/L for red table wines, 3 g/L for white table wines, 2.5 g/L for all other grape wines, 4 g/L for wine other than grape wine. 6. Treatment does not reduce the pH of the wine to less than pH 3 nor increase the pH to more than pH 4.5. 7. The resins used have not imparted to the wine any material or characteristic (incidental to the resin treatment) which may be prohibited under any other section of the regulations in this part. The winemaker may employ conditioning and/or regenerating agents consisting of water, fruit acids common to the wine being treated, and inorganic acids, salts and/or bases provided the conditioned or regenerated resin is rinsed with water until the resin and container are essentially free from unreacted (excess) conditioning or regenerating agents prior to the introduction of the wine. 21 CFR 173.25.

Processes	Use	Reference or limitation
Thermal gradient processing.....	To separate standard wine into low alcohol and high alcohol wine fractions.	The fractions derived from such processing must retain the color, taste, and other vinous characteristics of the wine prior to treatment. Such treatment must not reduce the ethyl alcohol content of the low alcohol fraction to less than 3 percent by volume nor increase the alcohol content of the high alcohol fraction to more than 24 percent by volume. Blending is restricted to wine of the proprietor's own production. Reconstitution, i.e., the addition of water other than that originally present in the wine prior to processing, is prohibited.
Thin-film evaporation under reduced pressure.	To separate standard wine into a low alcohol wine fraction and into a higher alcohol distillate.	Wine so treated must retain the color, flavor and other vinous characteristics of the wine prior to treatment. Such treatment must not reduce the ethyl alcohol content of the low alcohol fraction to less than 3 percent by volume. Blending is restricted to wine of the proprietor's own production. Reconstitution, i.e., the addition of water other than that originally present in the wine prior to processing, is prohibited. Water lost in processing may be recovered by refluxing in a closed continuous system and returned to the wine from which it was extracted. Use of a physical process to remove sulfur dioxide from juice must not alter the basic character of the juice so treated.
Elimination of sulfur dioxide by physical process.	To reduce the sulfur dioxide content of juice.....	

(Sec. 201, Pub. L. 85-859, 72 Stat. 1383, as amended (26 U.S.C. 5381, 5382, 5385, 5386, and 5387))

Par. 18. The original title and text of § 240.1052 are repealed. Section 240.1052 is revised to read as follows:

§ 240.1052 Experimentation with new treating material or process.

(a) *General.* The proprietor of a bonded wine cellar may, under the provisions of this section, conduct on bonded wine cellar premises experimentation with a treating material or process as the Director finds may be conducted in a manner that will not jeopardize the revenue, conflict with wine operations, or be contrary to law.

(b) *Application.* A proprietor desiring to conduct experimentation shall file an application with the Regional Director (Compliance) setting forth in detail the experimentation to be conducted and the facilities and equipment to be used. The proposed experimentation shall not be conducted until (1) the Director has determined that the conduct of such experimentation will not jeopardize the revenue, conflict with wine operations, or be contrary to law; and (2) the Regional Director (Compliance) has approved the application. Where the Director has determined previously that such an experiment may be conducted on bonded wine cellar premises, the Regional Director (Compliance) may approve applications to conduct a similar type of experiment, unless the Regional Director (Compliance) finds that there are particular conditions in respect of the applicant's premises or operations that would cause the conduct of such experiment to be a jeopardy to the revenue or to conflict with wine operations.

(c) *Segregation of operations.* Experimentation authorized under this section shall be conducted with such degree of segregation from wine operations as may be required by the Regional Director (Compliance) under the provisions of § 240.131.

(d) *Records.* The proprietor shall, with respect to each experiment authorized under this section, keep records of the kind and quantity of materials received and used and the volume of wine treated. The disposition of such wine shall be done in accordance with the provisions of 27 CFR 240.740.

(Approved by the Office of Management and Budget under control number 1512-0292)

(Sec. 201, Pub. L. 85-859 (72 Stat. 1383, as amended (26 U.S.C. 5361))

Par. 19. A new section 240.1053 is added to read as follows:

§ 240.1053 Application for use of new treating material or process.

(a) *General.* If the proprietor desires to use a material or process which is not specifically authorized in §§ 240.1051, 240.1051a, 240.1051b, or elsewhere in this part the proprietor shall file an application with the Regional Director (Compliance) of the region in which the bonded wine cellar is located to show that the proposed material or process is a cellar treatment consistent with good commercial practice.

(b) *Data required.* The application shall include the following: (1) The name and description of the material or process; (2) the purpose, the manner, and the extent to which the material or process is to be used together with any technical bulletin or other pertinent information relative to the material or process; (3) a sample, if a proposed material; (4) documentary evidence of the U.S. Food and Drug Administration's approval of the material for its intended purpose in the amounts proposed for the particular treatment contemplated; (5) the test results of any laboratory-scale pilot study conducted by the winemaker in testing the material and an evaluation of the product and of the treatment including the results of tests of the shelf life of the treated wine; (6) a tabulation of pertinent information derived from the testing program conducted by the chemical manufacturer demonstrating the function of the material or process;

(7) a list of all chemicals used in compounding the treating material and the quantity of each component; (8) the recommended maximum and minimum amounts, if any, of the material proposed to be used in the treatment and a statement as to the volume of water required, if any, to facilitate the addition of the material or operation of the process; and (9) two 750-milliliter samples representative of the wine before and after treatment. Information of a confidential or proprietary nature to the manufacturer or supplier of the treating material or process may be forwarded by the manufacturer or supplier to the Director with a reference to the application filed by the winemaker.

(c) *Use of cellar treatment.* The proprietor shall not use the proposed treating material or process until a determination has been made by the Director that the intended use of the material or process is acceptable in good commercial practice. If the Regional Director (Compliance) has been advised by the Director that the use of the material or process has been previously approved, he will so inform the proprietor and state limitations, if any, which must be observed. However, if the Regional Director (Compliance) has not been so advised, the application shall be forwarded to the Director for a decision regarding the use of the material or process.

(d) *Processing of application.* After evaluation of the data submitted with the application, the Director shall make a decision regarding the acceptability of the proposed treatment in good commercial practice. The Director shall notify the Regional Director (Compliance) of the approval or disapproval of the application. The Regional Director (Compliance) shall then inform the proprietor of the Director's decision.

(Approved by the Office of Management and Budget under control number 1512-0292)

(Sec. 201, Pub. L. 85-859, (72 Stat. 1383, as amended (26 U.S.C. 5381, 5382, 5385, 5386, and 5387))

Signed: July 9, 1984.

Stephen E. Higgins,
Director.

Approved: September 7, 1984.

John M. Walker, Jr.,
Assistant Secretary, Enforcement and
Operations.

[FR Doc. 84-25060 Filed 9-21-84; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4 and 240

[Notice No. 543; Ref: Notice Nos. 413 and 426]

Materials and Processes Authorized for the Production of Standard Wine and for the Treatment of Juice, Standard Wine and Distilling Material

AGENCY: Bureau of Alcohol, Tobacco and Firearms, (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice solicits additional comments from winemakers and other interested parties as to whether pursuant to the provisions of section 5382 of the Internal Revenue Code of 1954, the use of certain materials and processes is acceptable in "good commercial practice" in the production, cellar treatment, and finishing of standard wine and in the preparation of juice prior to fermentation.

In the RULES AND REGULATIONS portion of this issue of the Federal Register, the Bureau of Alcohol, Tobacco and Firearms has issued a Treasury decision (final rule) implementing revised regulations for those treating materials which are deemed to be noncontroversial and not requiring further comment.

This notice is one of several to be issued by the Bureau in the revision of the regulations presently prescribed in Title 27, Code of Federal Regulations, Part 240 for the production of wine. When the Bureau has completed the revision of these regulations, a final rule will be issued to recodify the wine regulations into a new Part 24.

DATE: Written comments to this notice must be received by January 23, 1985.

ADDRESS: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, Reference: Notice No. 543.

FOR FURTHER INFORMATION CONTACT: Michael J. Breen, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7826).

SUPPLEMENTARY INFORMATION:

Background

Notice No. 413, published in the Federal Register of June 18, 1982 (47 FR 26399), proposed the addition or deletion of, and, in some instances, revised usage

levels for, materials intended for use in the production and treatment of standard wine. Publication of the notice of proposed rulemaking resulted from ATF's recognition of the need to update the list of wine treating materials and processes and the need for a more formal public procedure for approving or disapproving applications for wine treating materials and processes. The original 60-day comment period was reopened for an additional 90 days by publication of Notice No. 426 in the Federal Register of September 20, 1982 (47 FR 41402).

After completion of a lengthy review of the comments received during the two comment periods, the Bureau has drafted this notice in which additional comments are requested for specific treatments. A summary of the comments received in response to Notice Nos. 413 and 426 pertaining to wine treating materials and processes may be found in the preamble to the Treasury decision. ATF encourages all potential commenters to this notice to read the preamble of the Treasury decision for a detailed explanation of the Bureau's concerns about the treatments which are being addressed in the following paragraph.

ATF solicits specific comment regarding possible revisions of the regulations in Parts 4 and 240 pertaining to: (1) The use of activated carbon or hydrogen peroxide or an "anthocyanase" enzyme preparation to reduce color in the juice of red and black grapes; (2) the acceptability in good commercial practice of employing an ultrafiltration process utilizing membranes of various molecular sizes to filter proteinaceous material and color pigments from juice and wine including red wine; (3) the use of maltol or ethyl maltol to treat standard wine; (4) ATF's proposal, based on the review of comments received in response to Notice Nos. 413 and 426, to delete the parabens and propylene glycol from the list of authorized treating materials; (5) the continued use of potassium benzoate to preserve wine; (6) ATF's proposal to decrease the maximum residual levels of sulfur dioxide in wine; (7) a proposed 3-fold increase in the volume of water used in the preparation of treating material slurries; (8) the establishment in the standards of identity for wine of maximum levels for ethyl acetate and hydrogen sulfide and a higher volatile acidity level of 0.15 gram per 100 milliliters for white wine and 0.17 gram per 100 milliliters for red wine produced from unameliorated juice having a minimum solids content of 28° Brix; (9) ATF's proposal that the authorized level of sorbic acid in finished wine be further

reduced from 300 to 200 milligrams per liter; and, (10) a proposal to permit the addition of acid to a level of 9 grams per liter in white wine containing 5 or more grams of sugar per liter.

During the comment period, members of the wine industry and other interested parties will have the opportunity to provide additional comments regarding these specific treatments. The review of the comments received in response to this notice will be a factor in ATF's decision whether or not to hold public hearings.

Public Participation

Comments to this notice may address any one or all of the proposals. Comments received on or before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future agency action.

ATF will not recognize any material or comment as confidential. Comments may be disclosed to the public. Any material which the respondent considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The names of commenters are not exempt from disclosure.

Written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4407, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable because this notice of proposed rulemaking will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities or to impose, or otherwise cause, a significant increase in the reporting, record-keeping, or other compliance burdens on a substantial number of small entities.

Executive Order 12291

It has been determined that this notice of proposed rulemaking, if published as a final rule, is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries,

Federal, state, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

Drafting Information

The principal author of this document is Coordinator Michael J. Breen of the FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

27 CFR Part 240

Administrative practice and procedure, Authority delegations, Claims, Electronic funds transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Transportation, Warehouses, Wine and vinegar.

Authority

Accordingly, under the authority contained in 26 U.S.C. 5382 (72 Stat. 1383, as amended), 26 U.S.C. 7805 (68A Stat. 917, as amended), and 27 U.S.C. 205 (49 Stat. 981, as amended), the Director proposes the following revisions to Title 27, Code of Federal Regulations, Parts 4 and 240:

PART 4—LABELING AND ADVERTISING OF WINE

Subpart C—Standards of Identity for wine

Paragraph 1. Section 4.21 would be amended to provide for maximum ethyl acetate and hydrogen sulfide levels for wine, to provide for a higher volatile acidity level for grape wine produced from juice having high total solids as follows: The last paragraph at the end of paragraph (a)(1) would be designated as paragraph (a)(1)(iv) and revised to read as set forth below and paragraphs

(d)(1)(ii), (e)(1)(ii), (f)(1)(ii) and (h)(2)(ii) of § 4.21 would be revised to read as follows:

§ 4.21 The standards of identity.

(a) *Class 1; grape wine.* (1) * * *
(iv) The maximum volatile acidity, calculated as acetic acid and exclusive of sulfur dioxide is 0.14 gram per 100 mL (20 °C) for natural red and rose wines and 0.12 gram per 100 mL (20 °C) for other grape wine: *Provided*, That white wine produced from unameliorated juice having total solids of 28 or more degrees Brix may have a maximum volatile acidity of 0.15 gram per 100 milliliters and red wine produced from unameliorated juice having total solids of 28 or more degrees Brix may have a maximum volatile acidity of 0.17 gram per 100 milliliters. The maximum ethyl acetate level is 200 milligrams per liter. The maximum sulfide level, calculated as hydrogen sulfide, is 1 milligram per liter.

(d) *Class 4; citrus wine.* (1) * * *
(ii) The maximum volatile acidity, calculated as acetic acid and exclusive of sulfur dioxide is 0.14 gram per 100 mL (20 °C) for natural citrus wine and 0.12 gram per 100 mL (20 °C) for other citrus wine. The maximum ethyl acetate level is 200 milligrams per liter. The maximum sulfide level, calculated as hydrogen sulfide, is 1 milligram per liter.

(e) *Class 5; fruit wine.* (1) * * *
(ii) The maximum volatile acidity, calculated as acetic acid and exclusive of sulfur dioxide, is 0.14 gram per 100 mL (20 °C) for natural fruit wine and 0.12 gram per 100 mL (20 °C) for other fruit wine. The maximum ethyl acetate level is 200 milligrams per liter. The maximum sulfide level, calculated as hydrogen sulfide, is 1 milligram per liter.

(f) *Class 6; wine from other agricultural products.* (1) * * *
(ii) The maximum volatile acidity, calculated as acetic acid and exclusive of sulfur dioxide is 0.14 gram per 100 mL (20 °C) for natural wine of this class and 0.12 gram per 100 mL (20 °C) for other wine of this class. The maximum ethyl acetate level is 200 milligrams per liter. The maximum sulfide level, calculated as hydrogen sulfide, is 1 milligram per liter.

(h) *Class 8; imitation and substandard wine.*

(2) "Substandard wine" shall have as a part of its designation the word "substandard," and includes:

(i) * * *

(ii) Any wine for which no maximum volatile acidity is prescribed in §§ 4.20 to 4.25, inclusive, having a volatile acidity, calculated as acetic acid and exclusive of sulfur dioxide, in excess of 0.14 gram per 100 mL (20 °C); or any wine for which the maximum ethyl acetate level exceeds 200 milligrams per liter; or, any wine for which the maximum sulfide level, calculated as hydrogen sulfide, exceeds 1 milligram per liter.

Par. 2. Section 4.22 would be amended to provide in paragraph (b)(1) for lower residual sulfur dioxide levels for red wine (including rose wine), white wine, and wine having high residual sugar. Section 4.22(b)(1) would be revised to read as set forth below. For the information of the reader the introductory text of paragraph (b)(1) is set forth without charge:

§ 4.22 Blends, cellar treatment, alteration of class and type.

(b) Alteration of class or type shall be deemed to result from any of the following occurring before, during or after production.

(1) Treatment of any class or type of wine with substances foreign to such wine which remain therein: *Provided*, That wine having a total sugar content of less than 5 grams per 100 milliliters may contain: For red and rose wine, not more than 125 parts per million total sulfur dioxide, or sulfites expressed as sulfur dioxide, and for white wine, not more than 175 parts per million total sulfur dioxide or sulfites expressed as sulfur dioxide; and *Provided*, That all wines having a total sugar content of 5 or more grams per 100 milliliters may contain up to 275 parts per million total sulfur dioxide or sulfites expressed as sulfur dioxide, and *Provided further*, That all wines, regardless of sugar content, produced prior to March 25, 1985, may contain up to 350 parts per million total sulfur dioxide or sulfites expressed as sulfur dioxide.

PART 240—WINE

Subpart N—Natural Wine

Par. 3. Section 240.364 would be amended to permit the addition of acid to a maximum level of 9 grams per liter to correct natural acid deficiencies in white wine having a solids content of 5 or more grams per liter. Section 240.364 would be revised to read as follows:

§ 240.364 Addition of acid to correct natural deficiencies in grape wine.

(a) *General.* Prior to and/or during fermentation, tartaric acid or malic acid, or a combination of both tartaric acid and malic acid, may be added to correct natural deficiencies in the fruit or juice, and after fermentation is completed, citric, fumaric, lactic, malic, or tartaric acid, or a combination of two or more of these acids, may be added to wine to correct natural deficiencies within the limitations prescribed in § 240.1051 and to the extent that the finished wine does not contain more than 8 grams per liter of fixed acid (calculated as tartaric acid); except that in the case of white wine containing 5 or more grams sugar per liter of wine, acids may be added to correct natural acid deficiencies to the extent that the finished wine does not contain more than 9 grams per liter of fixed acid (calculated as tartaric acid). Where ameliorating material, as authorized in § 240.366, is used in the production of grape wine, no acid may be used to correct deficiencies.

(b) *Record of use.* A record of the quantity of acid used under the provisions of this section shall be kept in accordance with the provisions of § 240.917.

(c) *Other acids.* If the winemaker desires to use other organic acids, the requirements of § 240.1053 shall be followed. If the winemaker desires to use acid to stabilize wine, the requirements of § 240.526 shall be followed.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

Subpart U—Wine Other Than Standard Wine

Par. 4. Section 240.489 would be revised to provide a specific reference to the limitations prescribed in Part 4 for

maximum levels of ethyl acetate and hydrogen sulfide in standard wine. As revised, § 240.489 would read as follows:

§ 240.489 Spoiled wine.

Whenever a standard wine becomes spoiled by reason of its condition, the spoiled wine shall be immediately removed from the bonded wine cellar unless the condition is corrected. Where the condition is not corrected, the wine must be removed either as distilling material under the provisions of Subpart CC of this part or, where applicable, for use in the manufacture of vinegar under the provisions of Subpart DD, or destroyed under Government supervision under the provisions of Subpart KK of this part. Among conditions requiring correction or removal are the development of volatile acidity, ethyl acetate, or hydrogen sulfide in excess of the maximum levels prescribed in Part 4 issued under the Federal Alcohol Administration Act (49 Stat. 977; 27 U.S.C. 201) or disease or decomposition which causes the wine to lack the composition, color and other characteristics of standard wine of the same type.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1383, as amended (26 U.S.C. 5381))

Subpart ZZ—Materials and Processes Authorized for Treatment of Wine, Juice and Distilling Material

Par. 5. The text preceding the table in § 240.1051 would be revised to provide a 3-fold increase in the amount of water which may be added to wine via the use of treating materials prepared in water slurries and would read as follows:

§ 240.1051 Materials authorized for treatment of wine and juice.

The materials listed in this section are approved, as being consistent with good

commercial practice, for use by proprietors of bonded wine cellars in the production, cellar treatment, or finishing of wine, and where applicable in the treatment of juice, within the general limitations of § 240.524 or the limitations specified in this section: *Provided*, (a) That when the specified use or limitation of any material on this list is determined to be unacceptable by the U.S. Food and Drug Administration, the Director may cancel or amend the approval for use of the material in the production, cellar treatment, or finishing of wine; and (b) That where water is added to facilitate the solution or dispersal of a material, the volume of water added, whether the material is used singly or in combination with other water based treating materials, must not total more than 3 percent of the volume of treated wine and/or the juice from which such wine is produced.

Par. 6. Following a review of all comments received in response to this notice, the Bureau may amend the list of authorized treating materials in § 240.1051 with respect to the use of the following materials: Activated carbon to decolorize the juice of red and black grapes; hydrogen peroxide to decolorize the juice of red and black grapes; and "anthocyanase" enzyme preparation to decolorize the juice of red and black grapes; ethyl maltol or maltol to smooth wine; the parabens (prepared in a propylene glycol solution) to preserve wine; potassium benzoate to preserve wine; and, the level of use of sorbic acid in the treatment of wine. The following is a list of the treating materials and usage levels for which comments are solicited:

Materials	Use	Reference or Limitation
Activated carbon:	To reduce color in the juice from red and black grapes.....	The amount used to reduce color must not exceed 4 lbs/1,000 gals. (0.48 g/L) of juice. Wine made from juice so treated shall have a color of not more than 95 percent transmittance per ² AOAC Method 11.003-11.004 (13th Ed.) or equivalent.
Enzymatic activity:		
"Anthocyanase" enzyme preparation.....	To reduce anthocyanins, that is, color pigments, in the juice pressed from red and black grapes.	(Subject to comment.)
Ethyl maltol.....	To smooth wine.....	Use limited to not more than 100 mg/L. 21 CFR 172.515.
Hydrogen peroxide.....	To remove color from the juice of red and black grapes.....	The amount used shall not exceed 500 parts per million. The use of hydrogen peroxide is limited to oxidizing color pigment in the juice of red and black grapes. 21 CFR 182.1366 ¹ (GRAS).
Maltol.....	To smooth wine.....	Use limited to not more than 250 mg/L. 21 CFR 172.515.
Parabens (n-alkyl esters of p-hydroxybenzoic acid: heptyl-, propyl-, and methyl-)	To preserve wine.....	Use, separately or in combination must not exceed 0.1 percent by weight (w/w). Use of n-heptyl-paraben must not exceed 12 parts per million. 21 CFR 172.145, 184.1490, 184.1670 (GRAS).

Materials	Use	Reference or Limitation
Potassium benzoate.....	To preserve wine.....	Use separately or in combination with other approved antimicrobial agents must not exceed 0.1 percent of the volume of juice and/or wine so treated. GRAS advisory opinion pending.
Propylene glycol.....	Solvent for parabens.....	The amount used shall not exceed 40 parts per million in wine. 21 CFR 184.1668 (GRAS).
Sorbic acid and potassium salt of sorbic acid.....	To sterilize and to preserve wine; to inhibit mold growth and secondary fermentation.	The finished wine shall contain not more than 200 milligrams of sorbic acid per liter of wine. 21 CFR 183.3089 and 182.3640 (GRAS).

¹ GRAS—An acronym for "generally recognized as safe." The term means that the treating material has an FDA listing in Title 21, Code of Federal Regulations, Parts 182 or Part 184, or is considered to be generally recognized as safe by the U.S. Food and Drug Administration.

² AOAC—Association of Official Analytical Chemists.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1383, as amended (26 U.S.C. 5381, 5382, 5385, 5386, and 5387))

Par. 7. Following a review of all comments received in response to this notice, the Bureau may amend the list of authorized processes in § 240.1051b with respect to the use of an ultrafiltration process utilizing membranes of various molecular sizes to filter proteinaceous material from any wine; to remove harsh tannic material from white wine produced from the juice of white skinned grapes; to remove the pink color from blanc de noir wine; and, to separate red wine into low color and high color wine fractions for use in blending. The Bureau requests comments regarding the specific

applications of such a process in the treatment of wine and any limitation which the commenter believes should be imposed on such uses. As proposed, § 240.1051b may be amended, in part by revising the introductory text and the entry in the table for the ultrafiltration process to read as follows:

§ 240.1051b Processes authorized for the treatment of wine, juice, and distilling material.

The processes listed in this section are approved, as being consistent with good commercial practice, for use by proprietors of bonded wine cellars in the

production, cellar treatment, or finishing of standard wine, juice, and distilling material, within the general limitations of § 240.524 or the limitations specified in this section or given in the sections referred to: *Provided*, That when the specified use or limitation of any process on this list is determined to be unacceptable for use in foods and beverages by the U.S. Food and Drug Administration, the Director may cancel or amend the approval for use of the process in the production, cellar treatment, or finishing of standard wine, juice, and distilling material.

Processes	Use	Reference or Limitation
Ultrafiltration.....	To remove proteinaceous material from wine.....	10,000 nominal molecular weight limitation (NMWL). 21 CFR 175.300, 177.1520, 177.2440, 177.2500, and 177.2600.
	To reduce harsh tannic material from white wine produced from white skinned grapes.....	10,000 nominal molecular weight limitation (NMWL). 21 CFR 175.300, 177.1520, 177.2440, 177.2500, and 177.2600.
	To remove the pink color from blanc de noir wine.....	1,000 nominal molecular weight limitation (NMWL). 21 CFR 175.300, 177.105, 177.1520, 177.1550, 177.1630, and 177.2500.
	To separate red wine into low color and high color wine fractions for blending purposes.....	1,000 nominal molecular weight limitation (NMWL). 21 CFR 175.300, 177.105, 177.1520, 177.1550, 177.1630, and 177.2500.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1383, as amended (26 U.S.C. 5381, 5382, 5385, 5386, and 5387))

Signed: July 9, 1984.

Stephen E. Higgins,
Director.

Approved: September 7, 1984.

John M. Walker, Jr.,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 84-25059 Filed 9-21-84; 8:45 am]

BILLING CODE 4810-31-M

Federal Register

**Monday
September 24, 1984**

Part III

**Department of the
Interior**

Minerals Management Service

**Diapir Field, Lease Sale 97; Call for
Information and Notice of Intent to
Prepare an Environmental Impact
Statement**

Description of Area

The Diapir Field Call area is generally located offshore the State of Alaska in the Beaufort Sea and the Arctic Ocean. Beginning at the Federal/State 3-geographical-mile line, which represents the southern boundary, the area extends about 220 miles north up to 73° N. latitude. It is bounded on the west by 162° W. longitude and extends eastward to the limit of the U.S. Jurisdiction.

The Call area includes approximately 1,700 blocks which were deferred from offering for lease at Sale 87 held on August 22, 1984. The deferred area was comprised, in part, of blocks west of Point Barrow which were removed to reduce the potential for conflict with subsistence resources. Blocks within a 20-mile radius of Point Barrow were deferred to further reduce the potential for conflict with subsistence activities and resources. Commenters are asked to reexamine the areas deferred at Sale 87 and to provide their views as to whether these areas should be given further consideration or should be deleted from Sale 97 at the Area Identification stage. Any new information as to resource potential, technology, subsistence use and resources, ice, etc., relevant to the area deferred at Sale 87 would be most useful.

The DOI has held three Federal offshore oil and gas lease sales in the Beaufort Sea/Diapir Field area. The first Federal offshore sale in the Beaufort Sea was conducted jointly with the State of Alaska. This sale, the Joint Federal/State Beaufort Sea Oil and Gas Lease Sale (BF), was held December 11, 1979, and offered a combined total of approximately 514,202 acres of State and Federal offshore lands. Of the 46 federally managed tracts offered, 25 received bids. One high bid was rejected for insufficiency, and 24 leases were issued on 4 Federal tracts and 20 federally managed disputed tracts. Of the 71 State managed tracts offered, 67 were State tracts and 4 were State managed disputed tracts, of which 62 received bids. The State issued leases for all 62 tracts including the 4 State managed disputed tracts. The second Federal offshore sale in the Diapir Field, Sale 71, was held on October 13, 1982. The Sale 71 area was comprised of approximately 1.8 million acres and included blocks previously offered in Sale BF. Of the 338 tracts offered, 125 received bids. A total of 121 tracts containing approximately 662,860 acres were leased. The most recent sale in the Diapir Field was Sale 87, held on August 22, 1984. The Sale 87 area included 1,474 blocks covering about 7.8 million acres. High bids were received on 232 blocks totalling \$877 million. All leases resulting from these sales provide for a 10-year primary lease term.

To date four exploratory wells have been drilled on federally managed leases from Sale BF in the Beaufort Sea. Two of these wells have been permanently abandoned and two wells have been temporarily abandoned. In addition, Shell Western E & P Inc. has announced a discovery with a directionally drilled well into a federally managed lease from a gravel island on a State lease. The well, which has been temporarily abandoned, is reported to have tested up to 5,000 barrels of oil per day. One well has been drilled on a lease issued in Sale 71.

2

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Diapir Field
Lease Sale 97

Call for Information
and
Notice of Intent to Prepare an Environmental Impact Statement

CALL FOR INFORMATIONPurpose of Call for Information

The purpose of the Call is to assist the Secretary of the Interior in carrying out his responsibilities under the Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and regulations appearing at 30 CFR 256.23, with regard to proposed OCS Lease Sale 97 in the Diapir Field area tentatively scheduled for December 1986.

This initial information gathering step is important for ensuring that all interests and concerns are communicated to the Department of the Interior (DOI) for future decision points in the leasing process. It should be recognized that this Notice does not indicate a preliminary decision to lease in the area described below.

Information submitted in response to this Call will be used for several purposes. First, responses will be used to identify the areas of potential for oil and gas development. Second, comments on possible environmental effects and use conflicts will be used in the analysis of environmental conditions in and near the Call area. Together these two considerations will allow a preliminary determination of the potential advantages and disadvantages of oil and gas exploration and development to the region and the Nation. Thus, it may be possible to make key decisions in connection with the next step in the planning process--Area Identification--to resolve conflicts by deleting areas where there is sufficient information to justify that action. However, the Area Identification represents only a preliminary step to select the area to be analyzed in the environmental impact statement (EIS). The Area Identification is scheduled for January 1985.

A third purpose for this Notice is to use the comments collected to initiate scoping of the EIS, which will include public meetings, and to identify and analyze alternatives to the proposed action. A Notice of Intent is located later in this document. Fourth, comments may be used in developing lease terms and conditions to assure safe offshore operations. Fifth, comments may be used in understanding and considering ways to avoid or mitigate potential conflicts between offshore oil and gas activities and the Alaska Coastal Management Program (ACMP).

The following list identifies the Official Protraction Diagrams which comprise the Call area. The diagrams may be purchased for \$2.00 each from the Regional Supervisor, Leasing and Environment, Alaska OCS Region, at the address stated under "Instructions on Call," below.

NS 4-7	--	(Approved April 25, 1978), all Federal blocks
NS 4-8	--	(Approved January 21, 1981), all Federal blocks
NS 5-7	--	(Approved April 25, 1978), all Federal blocks
NS 5-8	--	(Approved January 21, 1981), all Federal blocks
NS 6-7	--	(Approved April 25, 1978), all Federal blocks
NS 6-8	--	(Approved January 21, 1981), all Federal blocks
NS 7-7	--	(Approved March 17, 1982), all Federal blocks
NR 4-1	--	(Approved October 12, 1977), all Federal blocks
NR 4-2	--	(Approved February 16, 1984), all Federal blocks
NR 5-1	--	(Approved June 3, 1976), all Federal blocks
NR 5-2	--	(Approved May 5, 1976), all Federal blocks
NR 5-3	--	(Approved June 3, 1976), all Federal blocks
NR 5-4	--	(Approved May 13, 1982), all Federal blocks
NR 6-1	--	(Approved June 3, 1976), all Federal blocks
NR 6-2	--	(Approved May 5, 1976), all Federal blocks
NR 6-3	--	(Approved April 23, 1984), all Federal blocks
NR 6-4	--	(Approved November 10, 1983), all Federal blocks
NR 7-1	--	(Approved October 26, 1979), all Federal blocks
NR 7-2	--	(Approved January 22, 1984), all Federal blocks
NR 7-3	--	(Approved October 26, 1979), all Federal blocks
NR 7-4	--	(Approved January 22, 1984), all Federal blocks
NR 7-5	--	(Approved November 10, 1983), all Federal blocks
NR 7-6	--	(Approved January 22, 1984), all Federal blocks

Instructions on Call

The standard Call map delineates the Call area and shows the area as identified by the Minerals Management Service (MMS) as having potential for the discovery of accumulations of oil and gas. Respondents are requested to indicate interest in and comment on any or all of the Federal acreage within the boundaries of the Call area that they wish to have included in the Diapir Field Lease Sale 97. Boundaries of the Call area are shown, in general, on the map at the end of this Call and are shown in detail on the standard Call for Information Map available free from the Regional Supervisor, Leasing and Environment, Alaska OCS Region, MMS, P.O. Box 101159, 620 East 10th Avenue, Anchorage, Alaska 99510, telephone (907) 261-2452 or 261-2414. Although individual indications of interest are considered to be privileged and proprietary information, the names of persons or entities indicating interest or submitting comments will be of public record. Those indicating such interest are required to do so on the standard Call for Information Map. Interest should be shown by outlining the area(s) of interest along block lines.

Respondents should rank areas in which they have expressed interest according to priority of their interest (e.g., priority 1 (high), 2, or 3). If there are areas within the Call area for which respondents have no interest, no priority should be assigned to them. Areas where interest has been indicated but on which respondents have not indicated priorities will be considered priority 3. The telephone number and name of a person to contact in the

respondent's organization for additional information should be included. Information concerning both location and priority of interest submitted by individual companies will be held proprietary and will be used as a criterion in determining the area to be analyzed in the EIS. In addition to indications of interest by respondents, further consideration of areas for analysis in the EIS will be based on hydrocarbon potential, and environmental, economic, and multiple use considerations.

Comments are also sought from all interested parties about particular geological, environmental, biological, archeological, or socioeconomic conditions or conflicts, or other information which might bear upon the potential leasing and development of particular areas. Comments are also sought on possible conflicts between future OCS oil and gas activities that may result from the proposed sale and the ACPM. If possible, these comments should identify specific ACPM policies of concern, the nature of the conflict foreseen, and steps that the MMS could take to avoid or mitigate the potential conflict. Comments may either be in terms of broad areas or restricted to particular blocks of concern. Those submitting comments are requested to outline the subject area on the standard Call map.

Indications of interest and comments must be received no later than 45 days following publication of this document in the Federal Register in envelopes labeled "Indications of Interest for Leasing for the Call for Information for Diapir Field Lease Sale 97" or "Comments on the Call for Information for the Diapir Field Lease Sale 97," as appropriate. The original standard Call map and indications of interest and/or comments must be submitted to the Regional Supervisor, Leasing and Environment, Alaska OCS Region, at the address stated above under "Instructions on Call." Two copies of the standard Call map showing interest and any comments should also be sent to the Chief, Offshore Leasing Management Division, MMS, Mail Stop 645, 12203 Sunrise Valley Drive, Reston, Virginia 22091. Hand deliveries in the Washington, D.C., area may be made to the Chief, Offshore Leasing Management Division, Room 2523, Department of the Interior, 18th and C Sts., N.W., Washington, D.C. 20240.

Tentative Schedule

Final delineation of the area for possible leasing will be made at a later date only after compliance with established departmental procedures, all requirements of the National Environmental Policy Act of 1969 (40 CFR 1501.7), and the OCSLA, as amended. A final Notice of Sale will be published in the Federal Register detailing areas to be offered for competitive bidding, stating the terms and conditions for leasing, and announcing the location, date, and time bids will be received and opened.

The following is a list of tentative milestones which will precede this sale, proposed for 1986.

Comments due on the Call:	November 1984
Area Identification:	January 1985
Scoping comments due:	February 1985

Draft EIS published:

November 1985

Hearings on draft EIS held:

December 1985

Final EIS published:

May 1986

Proposed Notice of Sale published:

July 1986

Governor's comments due on proposed Notice:

September 1986

Final Notice of Sale published:

November 1986

Sale:

December 1986

Existing Information

Much information has already been collected and analyzed during consideration of past OCS activity in the same area. This information will be integrated with new information supplied during this process. Information already available includes four EIS's covering all or part of this area for the joint Federal/State Sale BF, Sale 71, the 5-Year oil and gas leasing program, and Sale 87.

In addition, comments previously received by the DOI from State and local governments, other Federal Agencies, environmental groups, and the oil and gas industry concerning past OCS actions will be available for use.

The following is a list of other information available in the DOI which will be available for consideration regarding OCS Lease Sale 97.

Diapir Field Summary Reports and Index

1. Alaska Index, December 1981 through April 1983, prepared by MWS.
2. Arctic Summary Report, January 1983, prepared by MWS.
3. Arctic Summary Report Update, September 1983, prepared by MWS.

Diapir Field Planning Area-Completed Environmental Studies

1. Identification, Documentation, and Delineation of Coastal Migratory Bird Habitats in Alaska, Alaska Department of Fish and Game, NOAA/OCSEAP Research Unit No. 3/4, September 1980.
2. Distribution, Abundance, Community Structure, and Trophic Relationships of the Nearshore Benthos, University of Alaska, NOAA/OCSEAP Research Unit No. 5, December 1981.
3. Distribution, Composition, and Variability of Western Beaufort and Northern Chukchi Sea Benthos, Oregon State University, NOAA/OCSEAP Research Unit No. 6, January 1982.

4. Summarization of Existing Literature and Unpublished Data on Distribution, Abundance, and Life Histories of Benthic Organisms of the Beaufort Sea, Oregon State University, NOAA/OCSEAP Research Unit No. 7, January 1977.
5. Assessment of Potential Interactions of Micro-organisms and Pollutants Resulting from Petroleum Development on the OCS in the Beaufort Sea, University of Louisville, NOAA/OCSEAP Research Unit No. 29, December 1982.
6. Analysis of Marine Mammal Remote Sensing Data, Johns Hopkins University, NOAA/OCSEAP Research Unit No. 34, April 1977.
7. Trace Hydrocarbon Analysis in Previously Studied Matrices and Methods Development for a) Trace HC Analysis in Sea Ice and at the Sea Ice-Water Interface and b) Analysis of Individual High Molecular Weight Aromatic HC, National Bureau of Standards, NOAA/OCSEAP Research Unit No. 43, January 1980.
8. Environmental Assessment of Alaskan Waters - Trace Element Methodology - Inorganic Elements, National Bureau of Standards, NOAA/OCSEAP Research Unit No. 47, May 1977.
9. Coastal Morphology, Sedimentation, and Oilspill Vulnerability, RPI, Inc., NOAA/OCSEAP Research Unit No. 59, April 1980.
10. Migration, Distribution, and Abundance of Bowhead and Beluga Whales in the Arctic Oceans, National Marine Fisheries Service, NOAA/OCSEAP Research Unit No. 69/70, October 1981.
11. Lethal and Sublethal Effects On Selected Alaskan Marine Species After Acute and Long-Term Exposure to Oil, National Marine Fisheries Service, NOAA/OCSEAP Research Unit No. 72, April 1983.
12. Sublethal Effects of Petroleum as Reflected By Morphological, Chemical, Physiological, Pathological and Behavioral Indices, National Marine Fisheries Service, NOAA/OCSEAP Research Unit No. 73, June 1982.
13. Identification of Major Processes in Biotransformations of Petroleum HC and Trace Metals, National Marine Fisheries Service, NOAA/OCSEAP Research Unit No. 74, June 1982.
14. Assessment of Available Literature: Oil Pollution Effects on Biota in Arctic and Subarctic Waters, National Marine Fisheries Service, NOAA/OCSEAP Research Unit No. 75, November 1976.
15. Beaufort Shelf Surface Currents, United States Coast Guard, NOAA/OCSEAP Research Unit No. 81, April 1977.
16. Interaction of Oil With Sea Ice in the Beaufort Sea, University of Washington, NOAA/OCSEAP Research Unit No. 87, May 1982.

17. Current Measurements in Possible Dispersal Regions of the Beaufort Sea, University of Washington, NOAA/OCSEAP Research Unit No. 91/151, January 1981.
18. Dynamics of Nearshore Ice, Flow Research Co., NOAA/OCSEAP Research Unit No. 98, March 1979.
19. Delineation and Engineering Characteristics of Permafrost Beneath the Arctic Seas, U.S. Army-CRREL, NOAA/OCSEAP Research Unit No. 105, May 1982.
20. Seasonality and Variability of Streamflow Important to Alaskan Nearshore Coastal Areas, University of Alaska, NOAA/OCSEAP Research Unit No. 111, March 1977.
21. Natural Distribution of Trace Heavy Metals and Environmental Background in Three Alaskan Shelf Areas, University of Alaska, NOAA/OCSEAP Research Unit No. 162, May 1979.
22. Shorebird Dependence on Arctic Littoral Habitats, University of California, NOAA/OCSEAP Research Unit No. 172, September 1982.
23. Study of Microbial Activity and Crude Oil-Microbial Interactions in the Waters and Sediments of Cook Inlet and the Beaufort Sea, Oregon State University, NOAA/OCSEAP Research Unit No. 190, December 1980.
24. Morbidity and Mortality of Marine Mammals, University of Alaska, NOAA/OCSEAP Research Unit No. 194, December 1980.
25. Distribution, Abundance, and Feeding Ecology of Birds Associated with Sea Ice, College of the Atlantic, NOAA/OCSEAP Research Unit No. 196, January 1983.
26. Avifaunal Utilization of the Offshore Islands Near Prudhoe Bay Alaska, University of Alaska, NOAA/OCSEAP Research Unit No. 215, March 1977.
27. The Natural History and Ecology of the Bearded Seal and the Ringed Seal, Alaska Department of Fish and Game, NOAA/OCSEAP Research Unit No. 230, May 1979.
28. Trophic Relationships Among Ice Inhabiting Phocid Seals and Functionally Related Marine Mammals in the Arctic, Alaska Department of Fish and Game, NOAA/OCSEAP Research Unit No. 232, February 1982.
29. Beaufort Sea Estuarine Fishery Study, Alaska Department of Fish and Game, NOAA/OCSEAP Research Unit No. 233, October 1977.
30. Study of Climatic Effects on Fast Ice Extent and its Seasonal Decay Along the Beaufort Sea/Chukchi Sea Coasts, University of Colorado, NOAA/OCSEAP Research Unit No. 244, March 1979.
31. Relationships of Marine Mammal Distributions, Densities, and Activities to Sea Ice Conditions, Alaska Department of Fish and Game/University of Alaska, NOAA/OCSEAP Research Unit No. 248/249, June 1980.
32. Morphology of Beaufort, Chukchi, and Bering Seas Nearshore Ice Conditions By Means of Satellite and Aerial Remote Sensing, University of Alaska, NOAA/OCSEAP Research Unit No. 257/258, September 1978.
33. Experimental Measurements of Sea Ice Failure Stresses Near Grounded Structures, University of Alaska, NOAA/OCSEAP Research Unit No. 259, June 1978.
34. Baseline Study of Historic Ice Conditions in Bering Strait, Chukchi Sea, and Beaufort Sea, University of Alaska, NOAA/OCSEAP Research Unit No. 261, September 1977.
35. Arctic Offshore Permafrost Studies, Michigan Technical University/University of Alaska, NOAA/OCSEAP Research Unit No. 271/610, September 1982.
36. Hydrocarbons: Natural Distribution and Dynamics on the Alaskan OCS, University of Alaska, NOAA/OCSEAP Research Unit No. 275, February 1981.
37. Preparation of Illustrated Keys to Skeletal Remains and Otoliths of Forage Fishes in the Beaufort Sea, University of Alaska, NOAA/OCSEAP Research Unit No. 318, March 1977.
38. Determine the Frequency and Pathology of Marine Fish Diseases in the Gulf of Alaska, Bering, and Beaufort Seas, National Marine Fisheries Service, NOAA/OCSEAP Research Unit No. 332, January 1980.
39. Transport of Pollutants in the Vicinity of Prudhoe Bay, Environmental Protection Agency, NOAA/OCSEAP Research Unit No. 335, March 1976.
40. Seasonal Distribution and Abundance of Marine Birds, U.S. Fish and Wildlife Service, NOAA/OCSEAP Research Unit No. 337, October 1978.
41. Review and Analysis of Literature and Unpublished Data on Marine Birds, U.S. Fish and Wildlife Service, NOAA/OCSEAP Research Unit No. 339, December 1980.
42. Migration of Birds in Alaskan Marine Waters Subject to Influence by OCS Development, U.S. Fish and Wildlife Service, NOAA/OCSEAP Research Unit No. 340, May 1978.
43. Feeding Ecology and Trophic Relationships of Alaska Marine Birds Population Dynamics of Marine Birds, and Catalog of Seabird Colonies, U.S. Fish and Wildlife Service, NOAA/OCSEAP Research Unit No. 341/342/343, October 1978.
44. Marine Climatology of the Gulf of Alaska, Bering and Beaufort Seas, Arctic Environmental Information and Data Center/National Climatic Center, NOAA/OCSEAP Research Unit No. 347/496, December 1977.
45. Literature Search and Data Conversion on Density Distribution of Fishes of the Beaufort Sea, University of Alaska, NOAA/OCSEAP Research Unit No. 348, March 1977.

46. Beaufort Sea Plankton Studies, University of Washington, NOAA/OCSEAP Research Unit No. 359, February 1981.
 47. A Study of Beaufort Sea Coastal Erosion, Arctic Research, NOAA/OCSEAP Research Unit No. 407, September 1976.
 48. Ice Edge Ecosystem Study: Primary Productivity, Nutrient Cycling and Organic Matter Transfer, University of Alaska, NOAA/OCSEAP Research Unit No. 427, March 1979.
 49. Beaufort Sea Barrier Island-Lagoon Ecological Process Studies, LGL Ecological Research Associates, NOAA/OCSEAP Research Unit No. 467, March 1980.
 50. Characterization of Organic Matter in Sediments from the Gulf of Alaska, Bering and Beaufort Seas, University of California, NOAA/OCSEAP Research Unit No. 480, June 1981.
 51. Evaluation of Earthquake Activity and Seismotechnic Studies of Northern and Western Alaska, University of Alaska, NOAA/OCSEAP Research Unit No. 483, March 1980.
 52. Characterization of the Nearshore Hydrodynamics of Arctic Barrier Island-Lagoon System, University of Alaska, NOAA/OCSEAP Research Unit No. 526, March 1981.
 53. Sediment Characterization, Stability, and Origin of Barrier Island-Lagoon Complex, North Arctic, Alaska, University of Alaska, NOAA/OCSEAP Research Unit No. 529, August 1982.
 54. Geology and Geomorphology of the Barrier Island-Lagoon System Along the Beaufort Sea Coastal Plain, University of Alaska, NOAA/OCSEAP Research Unit No. 530, July 1981.
 55. Oceanographic Processes in a Beaufort Sea Barrier Island-Lagoon System and its Surroundings: Numerical Modelling and Current Measurements, Kinnetic Laboratories, Inc., NOAA/OCSEAP Research Unit No. 531, June 1982.
 56. Oil Pooling Under Sea Ice, U.S. Army-CRREL, NOAA/OCSEAP Research Unit No. 562, March 1980.
 57. Transport and Behavior of Oil Spilled In and Under Sea Ice (Task I), Flow Research Co., NOAA/OCSEAP Research Unit No. 567, January 1983.
 58. Transport and Behavior of Oil Spilled In and Under Sea Ice (Task II and III), ARCTEC Incorporated, NOAA/OCSEAP Research Unit No. 568, September 1980.
 59. Baffin Island Oil Spill Project, Environmental Protection Service (Canada), NOAA/OCSEAP Research Unit No. 606, February 1984.
 60. Biological Investigation of Beluga Whales in the Coastal Waters of Alaska, Alaska Department of Fish and Game, NOAA/OCSEAP Research Unit No. 612, December 1983.
 61. Investigations of Marine Mammals in the Coastal Zone During Summer and Autumn, Alaska Department of Fish and Game, NOAA/OCSEAP Research Unit No. 613, September 1982.
 62. Geophysical and Biological Reconnaissance of Rock Habitats in Eastern Camden Bay, University of Alaska, NOAA/OCSEAP Research Unit No. 630, July 1983.
 63. Ecosystem Characterization: Eastern Beaufort Sea, LGL Ecological Research Associates, NOAA/OCSEAP Research Unit No. 632, September 1983.
 64. Technical and Scientific Support for Preparation of Workshop Documentation (Monitoring of the Beaufort Sea), Dames and Moore, NOAA/OCSEAP Research Unit No. 652, 1984.
 65. Development of Large Cetacean Tagging and Tracking Capabilities in OCS Lease Areas - I, Oregon State University, MMS Contract, May 1981.
 66. Tissue Structure Studies and Other Investigations on the Biology of Endangered Whales in the Beaufort Sea, University of Maryland, MMS Contract, June 1981.
 67. Development of Large Cetacean Tagging and Tracking Capabilities in OCS Lease Areas - II, National Marine Mammal Laboratory, MMS Contract, March 1981.
 68. Effects of Oil on the Feeding Mechanism of the Bowhead Whale - Baleen Fouling, Brigham Young University, MMS Contract, June 1983.
- Diapir Field Planning Area-Completed Socioeconomic Studies
1. Beaufort Sea Basin Petroleum Development Scenarios for the Federal Outer Continental Shelf, Interim Report, Dames & Moore; USRA; CCC/HOK, MMS Technical Report No. 3, December 1977 (out of print).
 2. Prudhoe Bay Case Study, CCC/HOK, MMS Technical Report No. 4, February 1978.
 3. Beaufort Sea Baseline Studies: Interim Report, CCC/HOK, MMS Technical Report No. 5, December 1977 (out of print).
 4. Beaufort Sea Petroleum Development Scenarios, Dames & Moore, MMS Technical Report No. 6, April 1978.
 5. Beaufort Sea Region - Man Made Environment, Alaska Consultants, Inc., MMS Technical Report No. 8, April 1978.
 6. Beaufort Sea Region Sociocultural Systems, Worl Associates, MMS Technical Report No. 9, June 1978.
 7. Beaufort Sea Region Natural Physical Environment, Dames & Moore, MMS Technical Report No. 10, May 1978.

These study reports can be viewed at the Alaska OCS Regional Office and most public libraries in Alaska. The socioeconomic studies may be ordered directly from the U.S. Department of Commerce, National Technical Information Service by calling FTS 737-4650 or Commercial (703) 487-4650. The mailing address is U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

Diapir Field Planning Area-Active and Planned Studies

The studies listed below are presently being conducted by MMS or are planned to be conducted on a schedule which will provide information for the EIS and/or subsequent decision documents related to OCS Lease Sale 97. Information on the status of these studies and the information they have produced may be obtained from the Alaska OCS Region, MMS, at the address listed under "Instructions on Call" above.

Environmental Studies

1. Dynamics of Nearshore Ice, U.S. Army-CRREL, NOAA/OCSEAP Research Unit No. 88.
2. Offshore Permafrost Studies, U.S. Geological Survey, NOAA/OCSEAP Research Unit No. 204/473.
3. Geologic Environment of the Chukchi and Beaufort Sea Shelf and Coastal Regions, U.S. Geological Survey, NOAA/OCSEAP Research Unit No. 205.
4. Mechanics of Origin of Pressure, Shear Ridges, and Hummock Fields in Landfast Ice, University of Alaska, NOAA/OCSEAP Research Unit No. 250.
5. Subsea Permafrost: Probing, Thermal Regime and Data Analysis, University of Alaska, NOAA/OCSEAP Research Unit No. 253.
6. In Situ Measurements of the Mechanical Properties of Sea Ice, University of Alaska, NOAA/OCSEAP Research Unit No. 265.
7. Operation of an Alaskan Facility for Application of Remote Sensing Data to OCS Studies, University of Alaska, NOAA/OCSEAP Research Unit No. 267.
8. Environmental Assessment of Selected Habitats in Arctic Littoral Systems, Western Washington State University, NOAA/OCSEAP Research Unit No. 356.
9. Modeling of Tides and Circulations, Rand Corporation, NOAA/OCSEAP Research Unit No. 435.
10. Nearshore Meteorologic Regimes in the Arctic, Occidental College, NOAA/OCSEAP Research Unit No. 519.
11. Nutrient Dynamics and Trophic System Energetics in Nearshore Beaufort Sea Waters, University of Alaska, NOAA/OCSEAP Research Unit No. 537.
12. Baffin Island Oil Spill Project. Hydrocarbon Bioaccumulation and Histopathological and Biochemical Responses of Molluscs, Battelle Northwest Laboratories, NOAA/OCSEAP Research Unit No. 615.

12

8. Beaufort Sea Region Socioeconomic Baseline, Peat, Marwick, Mitchell & Co., MMS Technical Report No. 11, July 1978.
9. Anchorage Socioeconomic and Physical Baseline, Policy Analysts Ltd., MMS Technical Report No. 12, June 1978.
10. Anchorage Impacts of the Beaufort Sea, Petroleum Development Scenario, Policy Analysts Ltd., MMS Technical Report No. 13, August 1978 (out of print).
11. Governance in the Beaufort Sea Petroleum Development Region, Institute of Social and Economic Research, University of Alaska, MMS Technical Report No. 16, July 1978.
12. Economic and Demographic Impacts of the Beaufort Sea Petroleum Development Scenarios, Institute of Social and Economic Research, University of Alaska, MMS Technical Report No. 18, June 1978.
13. Man Made Environmental Impacts of the Beaufort Sea Petroleum Development Scenarios, Alaska Consultants, Inc., MMS Technical Report No. 19, August 1978.
14. Transportation Impacts of the Beaufort Sea Petroleum Development Scenarios, Dennis Dooley & Assocs., MMS Technical Report No. 20, August 1978.
15. Natural Physical Environment Impact of the Beaufort Sea Petroleum Development Scenarios, Dames and Moore, MMS Technical Report No. 21, June 1978.
16. Sociocultural Impacts of the Beaufort Sea Petroleum Development Scenarios, Worl Associates, MMS Technical Report No. 22, April 1978.
17. Socioeconomic Systems Impacts of the Beaufort Sea Petroleum Development Scenarios, Peat, Marwick, Mitchell & Co., MMS Technical Report No. 23, December 1978.
18. Socioeconomic Impacts of Selected Foreign OCS Developments, Habitat North, Inc., MMS Technical Report No. 28, April 1979.
19. Beaufort Sea Statewide & Regional Demographic & Economic Systems, Institute of Social and Economic Research, University of Alaska, MMS Technical Report No. 62, August 1981.
20. Beaufort Sea Sociocultural Systems Update Analysis, Worl Associates, MMS Technical Report No. 64, November 1981.
21. A Description of the Socioeconomics of the North Slope Borough, Institute of Social and Economic Research, University of Alaska, MMS Technical Report No. 85, September 1983.
22. Diapir Field Statewide and Regional Economic and Demographic Systems Impacts Analysis, Institute of Social and Economic Research, University of Alaska, MMS Technical Report No. 88, November 1983.

11

13. Sublethal Effects of Petroleum Hydrocarbons, National Marine Fisheries Service, NOAA/OCSEAP Research Unit No. 619.
14. Storm Surge Modeling, University of Alaska, NOAA/OCSEAP Research Unit No. 627.
15. Beluga Whale Disturbance Study, Hubbs Sea World, NOAA/OCSEAP Research Unit No. 629.
16. Fish Survey: Shoreline From Harrison Bay to Point Barrow, LGL Ecological Research Associates, NOAA/OCSEAP Research Unit No. 631.
17. Direct Effects of Acoustic Disturbance Sources on Ringed Seal Reproductive Behavior, Vocalization, and Communication, Alaska Department of Fish and Game, NOAA/OCSEAP Research Unit No. 636.
18. Oil Weathering In Sea Ice, Science Applications, Incorporated, NOAA/OCSEAP Research Unit No. 640.
19. Oceanographic Data, Brown and Caldwell, NOAA/OCSEAP Research Unit No. 642.
20. Biological Reconnaissance of Boulder Island Shoal in Western Camden Bay, LGL Inc., NOAA/OCSEAP Research Unit No. 651.
21. Publication Support "Alaska Beaufort Sea Ecosystems and Environment", University of Alaska, NOAA/OCSEAP Research Unit No. 653.
22. Investigation of the Occurrence and Behavior Pattern of Whales in the Vicinity of the Beaufort Sea Lease Area, Naval Arctic Research Laboratory, MMS Contract.
23. Aerial Survey of Endangered Whales in the Beaufort, Chukchi, and Northern Bering Seas, Naval Ocean Service Center, MMS Contract.
24. Computer Simulation of the Probability of Endangered Whale Interaction with Oil Spills, Applied Science Associates, MMS Contract.
25. Effects of Whale Monitoring System Attachment Device in Whale Tissue, Woods Hole Oceanographic Institution, MMS Contract.
26. Development of Satellite-Linked Methods of Large Cetacean Tagging and Tracking Capabilities in OCS Lease Areas, Oregon State University, MMS Contract.
27. Investigations of the Potential Effects of Acoustic Stimuli Associated with Oil and Gas Exploration/Development on the Behavior of Migratory Gray Whales, Bolt Beranek and Newman, Inc., MMS Contract.
28. Possible Effects of Acoustic and Other Stimuli Associated with Oil and Gas Exploration/Development on the Behavior of the Bowhead Whale, LGL Ecological Research Associates, MMS Contract.
29. Surf Zone Smear Model, MMS Contract.

13

30. Integration of Suspended Particulate Matter and Transport Studies, MMS Contract.
31. Beaufort Sea Monitoring Program, MMS Contract.
32. Food Organisms of Bowhead Whales. Importance of the Eastern Beaufort to Feeding Bowhead Whales. MMS Contract.
33. Diapir Field - Prediction of Site Specific Interaction Between Acoustic Stimuli and Endangered Whales. MMS Contract.

Socioeconomic Studies

1. Diapir Field Anchorage Impacts, Kevin Waring Associates, MMS Technical Report No. 94.
2. Nuigsut Case Study, Research Foundation, SUNY Binghamton, MMS Technical Report No. 96.
3. Diapir Field Transportation Systems Impacts Analysis, Louis Berger & Assocs., MMS Technical Report No. 105.
4. Beaufort Sea Area Monitoring Study, Kevin Waring Associates, MMS Technical Report No. 107.
5. Assessment of Cumulative Impacts Assessment Methods for Petroleum Development in the Alaskan Arctic, Maynard & Partch, MMS Technical Report No. unassigned.
6. Beaufort/Chukchi-wide Subsistence Study, MMS Contract.

Inquiries about the status and availability of information about reports and studies should reference the research unit number or the technical report number, not the sequential number assigned in these lists.

NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT

Purpose of Notice of Intent

Pursuant to the regulation implementing the procedural provision of the National Environmental Policy Act of 1969 (40 CFR 1501.7), the MMS is announcing its intent to prepare an EIS regarding the proposed oil and gas leasing proposal known as Sale 97 in the Diapir Field region of Alaska. The Notice of Intent also serves to announce the scoping process which will be followed for this EIS. The scoping process is intended to involve Federal, State, and local governments and other interested parties in aiding the MMS in determining the significant issues and alternatives to be analyzed in the EIS.

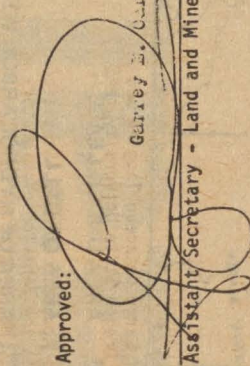
The EIS analysis will focus on the potential environmental effects of leasing, exploration, and development of the blocks included in the area defined in the Area Identification procedure as the proposed area of the Federal action. Alternatives to the proposal which may be considered are to delay the sale, cancel the sale, or modify the sale.

14

Instructions on Notice of Intent

Federal, State, and local governments and other interested parties are requested to send their written comments on the scope of the EIS, significant issues which should be addressed, and alternatives which should be considered to the Regional Supervisor, Leasing and Environment, Alaska OCS Region, at the address stated under "Instructions on Call" above. Comments should be enclosed in an envelope labeled "Comments on the Notice of Intent to Prepare an EIS on the Diapir Field Lease Sale 97." Comments are due no later than February 1985. Also, scoping meetings will be held in appropriate locations for the purpose of obtaining comments and information regarding the scope of the EIS. The times and locations of these scoping meetings will be announced at a future date in the Federal Register and by press release.

Approved:



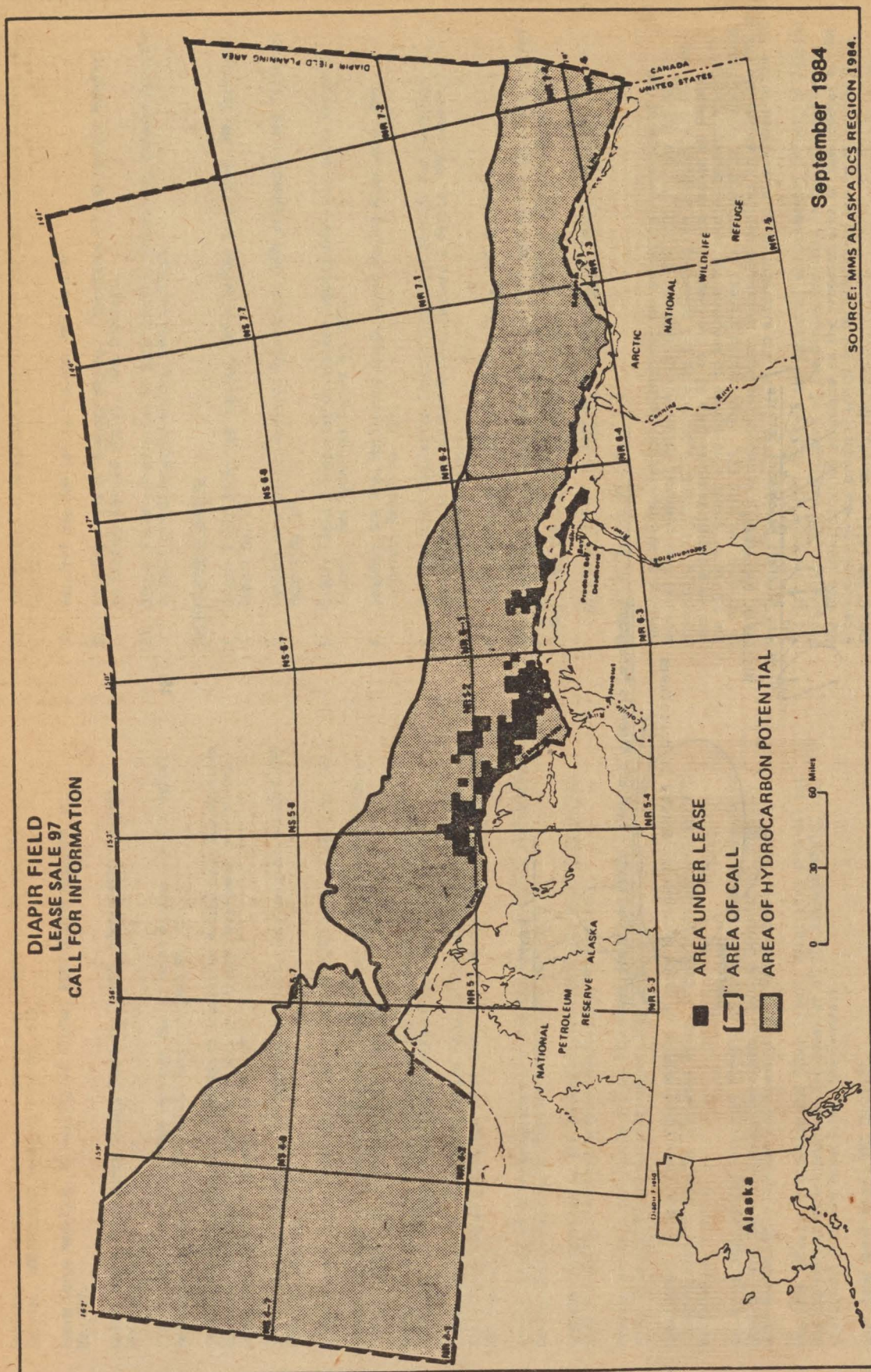
Garret M. Carruthers

Assistant Secretary - Land and Minerals Management

9/18/84
Date



William D. Bettenberg
Director, Minerals Management Service



Environmental Protection Agency

Monday
September 24, 1984

Part IV

Environmental Protection Agency

40 CFR Part 51

Dispersion Techniques Implemented
Before Enactment of the Clean Air Act
Amendments of 1970; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AD-FRL-2537-8]

Dispersion Techniques Implemented Before Enactment of the Clean Air Act Amendments of 1970

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Section 123 of the Clean Air Act as amended in 1977, 42 U.S.C. 7423, states that the degree of emission limitation required for control of any pollutant under an applicable State implementation plan (SIP) shall not be affected by a stack height which exceeds good engineering practice or any other dispersion technique. Section 123 goes on to say, however, that this prohibition shall not apply to dispersion techniques implemented before enactment of the Clean Air Act Amendments of 1970 (December 31, 1970). Dispersion techniques include intermittent control systems (ICS).

Today's proposed rule sets forth the criteria for determining whether an ICS was implemented before December 31, 1970.

DATES: Comments must be received by the Central Docket Section no later than December 24, 1984.

ADDRESSES: All comments must be submitted (in duplicate if possible) to: Central Docket Section (LE-131), EPA, Attn: Docket No. A-79-12, 401 M Street, SW., Washington, D.C. 20460. Docket No. A-79-12, containing material relevant to this rulemaking, is located in the EPA's Central Docket Section, Gallery One, West Tower, 401 M Street, SW., Washington, D.C. 20460. The docket may be inspected between 8 a.m. and 4 p.m. on weekdays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Polkowsky, EPA, Office of Air Quality Planning and Standards (MD-15), Research Triangle Park, North Carolina 27711, telephone: (919) 541-5540.

SUPPLEMENTARY INFORMATION:

Background

EPA has established national ambient air quality standards (NAAQS) for air pollutants which protect the public health and welfare. Under the Clean Air Act, States are required to develop state implementation plans (SIP's) to attain and maintain the NAAQS.

Two general methods for preventing violations of the NAAQS are emission

limitations and dispersion techniques. Emission limitations limit the quantity, rate, or concentration of pollutants released into the atmosphere from the source on a continuous basis. In contrast, dispersion techniques rely on atmospheric conditions to enhance dispersion of emitted pollutants so that ground-level concentrations of a pollutant near a source do not violate the NAAQS. Dispersion techniques do not limit emissions on a continuous basis.

Two main types of dispersion techniques are tall stacks and intermittent control systems (ICS). Tall stacks release pollutants into the air at elevations far above the ground. These emissions disperse over a wide area. Intermittent control systems vary a source's rate of emissions in accordance with varying meteorological conditions. When conditions do not favor dispersion and a NAAQS may be violated, the source temporarily restricts operations, shuts down, or burns cleaner fuels to reduce the amount of pollutants emitted. When conditions favor rapid dispersion, the source emits pollutants at higher rates. Some sources with some constant emission control systems use ICS to supplement their constant control systems. When a dispersion technique such as an ICS is used in conjunction with a continuous control system, the dispersion technique is called a supplemental control system. Dispersion techniques have been linked with a variety of undesirable environmental and economic effects. These effects are described in the legislative history of the Clean Air Act amendments.¹

In section 123 of the Clean Air Act, Congress prohibited the use of any dispersion technique in determining a source's emission limitation. The only general exception to this prohibition is for stack heights in existence and dispersion technique implemented before December 31, 1970. Specifically, section 123 states that:

The [bar against credit for stack heights above good engineering practice and for dispersion technique] shall not apply with respect to stack heights in existence before the date of enactment of the Clean Air Act Amendments of 1970 or dispersion technique implemented before such date.

Today's proposal interprets the term "implemented" for intermittent control systems. Neither the statute nor the legislative history contains any explicit guidance on the meaning of the term "implemented." The dictionary definition of "implement" is "to carry

into effect, fulfill, accomplish."² The proposed regulations reflect this "common use meaning"³ of the word. Accordingly, only those systems designed with a specific air quality objective and operated, equipped, and maintained in a way suited to achieving that objective, are considered implemented. The extent to which an ICS may be taken into account in establishing emission limits must reflect the ability and efficiency of the ICS as of December 30, 1970. The incidental control of a pollutant which is not the target of the specific air quality objective cannot be considered part of the ICS.

EPA believes the proposed criteria for determining whether ICS were implemented before December 31, 1970, is consistent with the underlying purpose of section 123. The House Committee which originated section 123 was highly critical of intermittent control systems, emphasizing their lack of reliability and enforceability, their adverse environmental impacts, and the heavy resource burden that these techniques place on State and local agencies.⁴ At the same time, Congress intended to protect significant commitments or resources made by sources in good faith in order to attain air quality objectives prior to the passage of the Clean Air Act in 1970.⁵ Consistent with these concerns, EPA believes that the proposed criteria will result in the exemption of only intermittent control systems to which sources had made a practical, realistic, and significant commitment of resources before December 31, 1970.

EPA earlier defined "in existence" in section 123 to exempt all stacks for which an owner or operator had entered into binding commitments for construction prior to December 31, 1970. The definition EPA is proposing today for ICS will exempt only those systems actually in operation on that date. EPA believes that the distinction between the criteria for ICS and tall stacks is sound for policy reasons and is consistent with Congressional intent. The preoperational outlay of resources required to set up an ICS is tied mainly to air pollution monitoring equipment. Those costs are not significant and can be partly recovered by resale of the equipment if the system is abandoned. It is only when an ICS is actually put into operation, i.e., when the personnel to

² Webster's New World Dictionary, College Edition, 730 (1968).

³ See *Lubvizol v. EPA* 562, F. 2d 807, 816 (D.C. Cir. 1977).

⁴ House Rep. No. 95-294, 1st Sess. 82-87 (1977).

⁵ *Id.* at 93.

¹ House Report No. 95-294, 1st Sess. 91 (1977).

run the system are under employment or contract, that the system costs become significant. Therefore, the Agency believes that Congress intended to exempt ICS under section 123 only if those systems were operating before December 31, 1970.

In contrast, a source makes a significant financial commitment to a stack at the time it enters into a binding construction contract. The cost of building a stack is considerably greater than the cost of purchasing monitoring equipment. Moreover, the design of a stack is an integral part of the design of the entire facility. A source could not alter a stack without redesigning or reconstructing many other parts of the facility. Because of these substantial costs, the costs of terminating a contract for the construction of a stack may also be substantial. Thus, it is reasonable to define "implemented" with respect to ICS differently from "in existence" with respect to stack heights. The Agency solicits comments on its definitions of "implemented." The Agency may consider its current position if compelling reasons are provided in comments as to why "implemented" should be defined more broadly.

The Eligibility Criteria

This proposed rule governing eligibility consists of two definitions and general conditions on the use of an ICS. The rule defines what an ICS is and defines the term "implemented" when applying it to an ICS. The proposed rule will be incorporated into Title 40, Code of Federal Regulations (CFR), §§ 51.1 and 51.12.

The proposal defines ICS as a dispersion technique limiting the emission of pollutants when meteorological conditions cause or are expected to cause ground-level concentrations in excess of applicable ambient air quality standards. This definition also includes an ICS when it is used as a supplemental control system (SCS). An ICS must meet the criteria set forth here in order to be part of a SIP emission limitation.

Under the proposal, an ICS will be considered implemented if the system: (1) Was established and operational before December 31, 1970; (2) was designed and operated to reduce emissions when necessary to meet a stated air quality objective, such as an air quality standard, (3) included, as a minimum, air quality monitors, meteorological instrumentation or appropriate access to meteorological data, and the services of a meteorologist; and (4) is adequately documented to meet these criteria. The air quality data used in operating the

ICS must have been obtained from monitors that provided data consistent with the air quality objective and operation of the system. The meteorological information could come from a nearby weather station if appropriate. Documentation of procedures used in operating the ICS and other material supporting the claim of eligibility are required. The documentation should support the use of an ICS as a bona fide attempt to meet an air quality objective, while the documentation need not necessarily demonstrate that the air quality objective was always attained, it should show that emissions were in fact curtailed whenever warranted by meteorological conditions.

Protection of air quality would be minimal or nonexistent if there were no air quality goal or if a dispersion technique were unreliable in attaining a stated goal. Therefore, EPA does not believe that Congress intended that a pre-1971 dispersion technique be considered implemented and thus taken into account in setting emission limitations in a SIP, unless such a technique provided a reasonable degree of protection of ambient air quality goals or standards. EPA has determined that the ICS components described above are the minimum necessary to provide an acceptable degree of protection of ambient air quality. An ICS that lacks these components would not reliably maintain the desired levels of pollution control. Without collection of meteorological data and the availability of a qualified expert to interpret such data, trends in atmospheric conditions resulting in increasing pollutant concentrations could not be detected quickly enough to activate source cutbacks to protect air quality goals. In addition, without monitors which accurately track pollutant levels, the determination that the source cutbacks were effective in reducing ambient pollutant levels could not be made.

The Agency expects any State which allows for the use of an ICS in setting emission limitations to define the emission limitations affected by the ICS and the manner in which the ICS is taken into account in establishing those limits. The Agency intends that the extent to which an ICS may be taken into account in establishing emission standards be limited to reflect the efficiency of the ICS, as it was implemented before December 31, 1970, in attaining the current NAAQS (i.e., the standards in effect at the time the SIP revisions are being made or the pre-1971 goal or standard, whichever standard or goal is greater). The Agency believes that section 123 was not intended to

permit improvements in an ICS made on or after December 31, 1970, to be taken into account in setting emission limits. One example of how this requirement may be implemented is as follows. To ascertain the efficiency of an ICS in meeting a current ambient air quality standard, the first step would be to model the source while setting the receptor sites of the model to be the same as the monitoring sites of the ICS as they existed before December 30, 1970. The source should be modeled at maximum capacity as of December 30, 1970. Using concentrations predicted for the pre-December 31, 1970, ICS monitoring sites and using the pre-December 31, 1970, operations manual for the ICS, the amount of source shutdown required to meet the current standard at those sites could be ascertained. If the air quality design goal of the ICS in 1970 was less stringent than the current standard, only the amount or reduction to meet the design goal should be ascertained. Another model using the source's current emission capacity and a full range of receptor sites should then be applied. This model would take into account the reduction in emissions calculated from the first model. If more control than just the curtailment accomplished by the ICS under the first model is necessary for meeting the standard at all receptor locations, such additional control would have to be accomplished by constant emission reduction. An equivalent method of taking pre-1971 efficiency of the ICS into account may be used by the State.

It should be noted that the method described above is intended only to be a method for determining a source's emission limitations. Once the emission limitations are established by the method described, the source may use its ICS to the extent necessary to meet current standards.

The proposed regulations also provide that in setting the emission limits a State Plan may allow an ICS to compensate only for emissions from a source to which the ICS was implemented before December 31, 1970, and, in the event the source has been modified, only to the extent the emissions correspond to the maximum capacity of a source as of December 31, 1970. For purposes of this requirement, a source to which the ICS was implemented is any particular structure or equipment whose emissions were subject to the ICS procedures before December 31, 1970. Thus, an ICS cannot compensate for all emissions at a particular plant site unless the ICS was implemented with respect to maximum capacity emissions at that plant site

before December 31, 1970. The Agency believes that this restriction on how the ICS may be credited is consistent with the letter and purpose of section 123. Since the essence of operating an ICS is the curtailment of emissions whenever warranted by meteorological conditions, an ICS cannot be considered implemented before December 31, 1970, with respect to emissions which did not then potentially exist or with respect to existing emission capacity which was not subject to ICS procedures before December 31, 1970. As an example, one may assume that on December 31, 1970 a source had 5 boilers in operation, each with a capacity to emit 200 tons per year of sulfur dioxide and that only 3 were subject to curtailment under an ICS. In establishing how the ICS would meet a NAAQS for sulfur dioxide, the ICS could be taken into account in establishing an emission limit only with respect to the 600 tons per year of potential sulfur dioxide emissions from the 3 boilers, and only to the extent consistent with the ICS operating procedures. If 1 of the 3 affected boilers is modified to double its emissions, the ICS can still only compensate for 600 tons per year of sulfur dioxide. If one of the affected boilers is put out of service, then the ICS is limited to 400 tons per year of maximum compensation. If both of these events, the modification and the retirement, occur, then the source can still use the ICS to compensate for the combined total of 400 tons per year from the 2 boilers, subject to any additional control requirements resulting from the modification. The proposed regulations are not intended in any way to affect any new source performance standards or new source review requirements which might apply to modified sources.

The proposed regulations permit a plan to credit ICS in setting emission limits on the condition that the plan requires the continued operation of any constant pollution control system which was in use before December 31, 1970, or the equivalent system. This provision is proposed because the Agency does not believe that an ICS should be considered implemented with respect to emissions subject to constant controls before December 31, 1970.

The proposed regulations require that any State plan which takes an ICS into account in establishing emission limitations must require that the source owner continuously operate and maintain an ICS which satisfies the performance specifications contained in 40 CFR Part 53 and which is otherwise at least as effective as it was before December 31, 1970. Moreover, the regulations provide that any such State

plan must contain requirements which specify the procedures for operation of the ICS as well as recordkeeping and reporting requirements. In addition, the State plan must contain any other requirements which, together with the emission limitations, will assure that the NAAQS will be reliably attained and maintained. Although not necessarily required to do so, a State may establish, as part of its SIP, provisions which would allow the State under appropriate circumstances to take direct enforcement action against an ICS-credited source for NAAQS violations. For example, a State might establish provisions similar to those contained in the nonferrous smelter regulations (at 40 CFR 57.401) which provide for presumptive liability for violations of the appropriate NAAQS in a "designated liability area" surrounding and ICS-credited source.

As noted above, among the primary reasons Congress limited the extent to which ICS could be used in establishing emission limitations were problems concerning the reliability and enforceability of such systems.⁶ Therefore, the Agency will carefully evaluate whether State plans which take ICS into account contain provisions which in fact will assure that the ICS will be continuously operated or maintained in a reliable manner, and that the NAAQS will be maintained.

The proposed regulations are not in any way intended to limit any State's authority to delegate to local agencies responsibility for developing emission limitations.

Assistance to States

After promulgation of these rules, EPA will provide assistance to any State which adopts this rule and wishes to incorporate an ICS for a specific source into its SIP. This assistance could include information on calculating constant emission control equivalents for that ICS, as well as techniques for ensuring that the operation of the ICS will protect the NAAQS. Since this type of assistance needs to be source specific and will only be developed for a limited number of sources, EPA does not feel that any general guidance document can be prepared as part of this rulemaking. It should be noted, however, that any such assistance will be subject to full public review as required by any SIP action.

Attainment/Nonattainment Designations

The Agency, in accordance with Section 107 of the Clean Air Act, has made designations of attainment/nonattainment for various areas (43 FR

40412, 43 FR 40502, 43 FR 45993). Some areas were designated non-attainment or unclassifiable because reductions in ambient pollutant levels achieved by ICS could not be incorporated into the designation process. If today's proposal becomes final, States may request reclassification to attainment of the affected area based upon reductions in ambient pollutant levels achieved by the eligible ICS. States reclassifying an area to attainment based on an eligible ICS will be required to demonstrate that the appropriate NAAQS will not be violated with continued use of ICS.

Classification

Under Executive Order 12291, EPA is required to judge whether a rule is "major" and therefore subject to procedural review requirements. The Administrator finds this proposal to be a "nonmajor" action not subject to the procedural requirements of Executive Order 12291.

This determination of "nonmajor" is based upon an analysis of the criteria specified in Executive Order 12291. An action is deemed major if the action will: (1) Have an annual effect on the economy of \$100 million or more; (2) result in a major increase in costs or prices for consumers, individuals, industries, Federal, State, or local government agencies; or (3) have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Should this rule become final, it could result in a decrease in expenditures for required pollution control equipment at the affected sources because the amount of expenditures necessary to comply with applicable air pollutant emission limitations by qualifying sources would generally be less than what would otherwise be required under emission limitations, which are based entirely on the use of constant controls. Sources not qualifying are currently subject to requirements to reduce air pollutant emissions and would not be subject to additional requirements as a result of this rule. Therefore, this proposed rule meets none of the criteria for designation as a "major rule" under the context of Executive Order 12291. EPA has submitted this regulation to the Office of Management and Budget (OMB) for their review in accordance with 12291. Any comments received from OMB on this regulation have been included in the public docket.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator certifies that

⁶House Report, No. 95-294, 1st Sess. 82-87 (1977)

the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule would, if promulgated, make available to a few sources the opportunity to request modification of emission limitations based upon use of ICS prior to December 31, 1970. The recordkeeping requirements in this regulation do not come under the Paperwork Reduction Act (44 U.S.C. 3051, et seq.) because they should impact fewer than 10 facilities.

Solicitation of Comments

The Agency actively solicits comments on the proposed rule, and particularly the appropriateness of the procedures for determining the eligibility of ICS in operation before December 31, 1970.

Authority: Sec. 110, 301(a), and 123 of the Clean Air Act as amended, 42 U.S.C. 7410, 7601(a), and 7423.

List of Subjects on 40 CFR Part 51

Administrative practice and procedure, Air pollution control, Inter-governmental relations, Reporting and recordkeeping requirements, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Hydrocarbons, and Carbon monoxide.

Dated: September 7, 1984.

William D. Ruckelshaus,
Administrator.

PART 51—[AMENDED]

It is proposed to amend Part 51, Chapter I, of Title 40, Code of Federal Regulations to read as follows:

1. A new paragraph (nn) is added to § 51.1 to read as follows:

§ 51.1 Definitions.

(nn) Intermittent control system (ICS) means a dispersion technique which limits the rate at which pollutants are emitted to the atmosphere during periods when meteorological conditions cause or are expected to cause ground-level concentrations in excess of applicable ambient air quality standards. Such a dispersion technique is an ICS whether used alone, used with other dispersion techniques, or used as a supplement to continuous emission controls (i.e., used as a supplemental control system).

2. New paragraphs (m) and (n) are added to § 51.12 to read as follows:

§ 51.12 Control strategy: General.

(m) The use of an intermittent control system (ICS) may be taken into account

in establishing an emission limitation for a pollutant under a State plan, provided:

(1) The ICS was implemented before December 31, 1970, according to the criteria specified in § 51.12(n).

(2) The extent to which the ICS is taken into account is limited to reflect the efficiency of the ICS, as it was implemented before December 31, 1970, in attaining current national ambient air quality standards (NAAQS) or, the standard or concentration that the ICS was designed to achieve as of December 31, 1970, whichever concentration or standard is greater.

(3) The plan allows the ICS to compensate only for emissions from a source for which the ICS was implemented before December 31, 1970, and, in the event the source has been modified, only to the extent the emissions correspond to the maximum capacity of the source as of December 30, 1970. For purposes of this subparagraph, a source for which the ICS was implemented is any particular structure or equipment the emissions from which were subject to the ICS operating procedures.

(4) The plan requires the continued operation of any constant pollution control system which was in use before December 31, 1970, or the equivalent of that system.

(5) The plan clearly defines the emission limits affected by the ICS and the manner in which the ICS is taken into account in establishing those limits.

(6) The State plan contains requirements for the operation and maintenance of the qualifying ICS which, together with the emission limitations and any other necessary requirements, will assure that the national ambient air quality standards will be attained and maintained. These requirements shall include, but not necessarily be limited to, the following:

(i) Requirements that as source owner or operator continuously operate and maintain an ambient air monitoring network which satisfies the performance specifications contained in 40 CFR Part 53 and which is otherwise at least as effective as the monitoring network implemented before December 31, 1970.

(ii) Requirements that a source owner or operator continuously operate and maintain the components of the ICS specified at § 51.12(n)(3) (ii)-(iv) in a manner which assures that the ICS is at least as effective as it was before December 31, 1970.

(iii) Requirements which specify the circumstances under which, the extent to which, and the procedures through which emissions shall be curtailed through the activation of ICS;

(iv) Requirements for recordkeeping which require the owner or operator of the source to keep for a period of at least 3 years, records of measured ambient air quality data, meteorological information acquired, and production data relating to those processes affected by the ICS.

(v) Requirements for reporting which require the owner or operator of the source to notify the State and EPA within 30 days of a NAAQS violation pertaining to the pollutant affected by the ICS.

(7) Nothing in this paragraph affects the applicability of any new source review requirements or new source performance standards contained in the Clean Air Act or 40 CFR Subchapter C.

(8) Nothing in this paragraph precludes a State from taking an ICS into account in establishing emission limitations to any extent less than permitted by this paragraph.

(n) An intermittent control system (ICS) may be considered implemented for a pollutant before December 31, 1970, if the following criteria are met:

(1) The ICS must have been established and operational with respect to that pollutant prior to December 31, 1970, and reductions in emissions of that pollutant must have occurred when warranted by meteorological and ambient monitoring data.

(2) The ICS must have been designed and operated to meet an air quality objective for that pollutant, such as an air quality level or standard.

(3) The ICS must, at a minimum, have included the following components prior to December 31, 1970:

(i) Air quality monitors—an array of sampling stations whose location and type were consistent with the air quality objective and operation of the system.

(ii) Meteorological instrumentation—a meteorological data acquisition network (may be limited to a single station) which provided meteorological prediction capabilities sufficient to determine the need for and degree of emission curtailments necessary to achieve the air quality design objective.

(iii) Operating system—a system of established procedures for determining the need for curtailments and for accomplishing such curtailments. Documentation of this system, as required by paragraph (4) of this section, may consist of a compendium of memoranda or comparable material which define the criteria and procedures for curtailments and which identify the type and number of personnel authorized to initiate curtailments.

(iv) Meteorologist—a person, schooled in meteorology, capable of interpreting

data obtained from the meteorological network and qualified to forecast meteorological incidents and their effect on ambient air quality. Sources may have obtained meteorological services through a consultant.

(4) Documentation sufficient to support the claim that the ICS met the criteria listed in this paragraph must be provided. Such documentation may include affidavits or testimony.

[FR Doc. 84-25166 Filed 9-21-84; 8:45 am]

BILLING CODE 6560-50-M

Environmental Protection Agency

Monday
September 24, 1984

Part V

Environmental Protection Agency

40 CFR Part 60

Proposed Waivers From New Source
Performance Standards; Innovative
Technology Waivers for Four Automobile
and Light-Duty Truck Surface Coating
Operations; Proposed Rulemaking

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2634-2]

Proposed Waivers From New Source Performance Standards; Innovative Technology Waivers for Four Automobile and Light-Duty Truck Surface Coating Operations

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) proposes to grant, subject to the concurrence by the Governors of the States of Georgia, Michigan, Minnesota, and Missouri, innovative technology waivers, pursuant to section 111(j) of the Clean Air Act, as amended (the Act), 42 U.S.C. 7411(j), for topcoat operations at the following automobile and light-duty truck assembly plants:

- (1) Chrysler Corporation's Sterling Heights, Michigan, plant;
- (2) Ford Motor Company's (Ford) Hapeville, Georgia, plant;
- (3) Ford's St. Paul, Minnesota, plant; and
- (4) Ford's Hazelwood, Missouri, plant.

These waivers provide an opportunity to demonstrate the capability of basecoat/clearcoat (BC/CC) topcoat systems to achieve equivalent or greater emission reductions than required by the existing standard of performance for topcoat operations at automobile and light-duty truck assembly plants at lower costs.

The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on the proposed innovative technology waivers.

DATES: Comments. Comments must be received on or before November 8, 1984.

Public Hearing. A public hearing (or hearings) will be held if requested. Persons wishing to request a public hearing must contact EPA by October 9, 1984. If hearings are requested, announcements of the dates and places will appear in separate Federal Register notices.

ADDRESSES: Comments. Under section 307(d)(2) of the Clean Air Act, 42 U.S.C. 7607(d)(2), the Administrator is required to establish two identical rulemaking dockets for each rule that would apply only within the boundaries of one State. One copy of the docket is located in Washington, D.C., and a second copy is located at the EPA Regional Office for the affected State. Therefore, copies of all comments on a particular waiver action should be submitted to the

Washington, D.C. docket and to the respective Regional Office docket.

One copy of each comment should be sent to: Central Docket Section (LE-131), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. (Use appropriate docket number for plant waiver—see Table 1.)

A second copy of each comment should be sent to:

For: Chrysler's Sterling Heights, Michigan, plant and/or Ford's St. Paul, Minnesota, plant: Environmental Protection Agency, Region V, Attention: Mr. Gary Gulezian, Docket Number (see Table 1), 230 South Dearborn Street, Chicago, Illinois 60604.

For: Ford's Hapeville, Georgia, plant: Environmental Protection Agency, Region IV, Attention: Mr. Brian Beals, Docket Number (see Table 1), 345 Courtland Street, NE., Atlanta, Georgia 30365.

For: Ford's Hazelwood, Missouri, plant: Environmental Protection Agency, Region VII, Attention: Mr. Charles Whitmore, Docket Number (see Table 1), 324 East 11th Street, Kansas City, Missouri 64106.

The dockets may be inspected at the listed addresses between 8 a.m. and 4 p.m. on weekdays. A reasonable fee may be charged for copying.

TABLE 1.—DOCKET NUMBERS

Plant	Docket No.
1. Chrysler—Sterling Heights, MI.....	A-84-09
2. Ford—St. Paul, MN.....	A-84-10
3. Ford—Hapeville, GA.....	A-84-11
4. Ford—Hazelwood, MO.....	A-84-12

Public Hearing. Persons wishing to request a public hearing should notify Ms. Shelby Journigan, Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5578.

FOR FURTHER INFORMATION CONTACT: Mr. Sims Roy or Mr. Gilbert Wood, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5578.

SUPPLEMENTARY INFORMATION:

Background

Current Regulations

On October 5, 1979, pursuant to section 111 of the Clean Air Act, standards of performance were proposed to limit emissions of volatile organic compounds (VOC) from new, modified and reconstructed automobile

and light-duty truck surface coating operations (44 FR 57792). Final standards were published in the Federal Register on December 24, 1980 (45 FR 85410).

Standards of performance under section 111 are established at levels that reflect best demonstrated technology (BDT). For automobile and light-duty truck topcoat operations, BDT was determined to be the use of low VOC content waterborne coatings applied with the best demonstrated air atomized spray techniques. The standard of 1.47 kilogram VOC per liter (kg/l) of applied coating solids for topcoat operations was based on the use of this coating system. The standard does not, however, require use of waterborne coatings. Any coating system capable of reducing VOC emissions to 1.47 kg/l of applied coating solids may be used. Other methods which could be used independently or in various combinations to achieve the topcoat standard are low VOC content solvent-borne coatings, add-on control devices (e.g., incinerators and carbon adsorbers), and high efficiency coating application techniques.

Trends in Automobile Topcoats

Since the standard was proposed in 1979, the trend in the domestic automobile industry has been to develop and use low VOC content solvent-borne topcoats with improved transfer efficiency, rather than waterborne coatings, to reduce VOC emissions and improve finish quality. Low VOC content topcoats are available for production line use. These coatings have been demonstrated to be of acceptable quality and appearance and, when used in combination with better transfer efficiency and/or bake oven emission control systems (i.e., energy efficient incinerators), will meet the standard.

Since 1979, however, there has been an increase in the effort by the automobile manufacturers to develop basecoat/clearcoat (BC/CC) topcoats for automobiles and light-duty trucks. The BC/CC topcoats consist of a relatively thin layer of highly pigmented basecoat followed by a thicker layer of clearcoat. The BC/CC coatings have a more appealing appearance than non-BC/CC topcoat systems and also offer improved chemical resistance and gloss retention. Vehicles coated with BC/CC topcoats are now being imported to the United States (U.S.) in significant quantities by both European and Japanese manufacturers. Because of the general appeal and acceptance by U.S. consumers of vehicles coated with the BC/CC topcoats, U.S. automobile and

light-duty truck manufacturers claim they must duplicate the performance of this type of topcoat to be competitive.

The BC/CC coatings that are being used in foreign plants contain relatively large quantities of VOC. If U.S. manufacturers used similar coatings, the only possible method of meeting the existing standard of performance for automobile and light-duty truck topcoat operations would be to use expensive add-on controls. Although U.S. automobile manufacturers and coating suppliers have made progress in developing lower VOC content BC/CC systems, BC/CC systems with VOC content low enough to comply without such add-on control are not yet commercially available. The automobile manufacturers and equipment vendors are also developing more efficient application methods for these coatings. Ultimately, this intensive industry development program will permit the automobile companies to meet the topcoat standard and still apply BC/CC coatings to automobiles in sufficient number to meet market demand without having to use expensive add-on controls.

Requirements of Section 111(j)

Section 111(j) of the Clean Air Act sets forth provisions for the issuance of waivers for the development of innovative technology. In the 1977 Amendments to the Clean Air Act, Congress added this provision to encourage the use of innovative "technological systems of continuous emission reduction" for the control of air pollutants. Their intent in doing so was to provide a statutory incentive for the improvement of emission control technology and for reducing costs, environmental impacts, and energy usage of such technology.

Under section 111(j) of the Act, upon request by the owner or operator of a new source and with the consent of the Governor of the State in which the source is located, the Administrator is authorized to grant a waiver from the requirements of Section 111 for a limited time period provided certain statutory prerequisites are satisfied. The Administrator must determine that:

- The proposed innovative system has not been adequately demonstrated;
- The proposed innovative system will operate effectively and there is substantial likelihood that the system will achieve greater continuous emission reduction than otherwise required or achieve an equivalent emission reduction at lower cost in terms of energy, economic, or nonair quality environmental impact;
- The owner or operator of the proposed system has demonstrated to

the Administrator's satisfaction that the system will not cause or contribute an unreasonable risk to public health, welfare, or safety; and

d. The proposed waiver for the specific innovative technological system is not in excess of the number of waivers necessary to ascertain whether or not such system will achieve the conditions set forth in "b" and "c" immediately above.

Additionally, section 111(j)(1)(B) of the Act requires an innovative technology waiver to be granted on such terms and conditions during the waiver period as the Administrator determines necessary:

- To ensure emissions from the source will not prevent attainment and maintenance of any national ambient air quality standards, and
- To ensure proper functioning of the innovative technological system.

Current Waivers

On February 4, 1983, EPA granted innovative technology waivers under section 111(j) of the Clean Air Act to three General Motors Corporation (GM) plants, one Honda of America Manufacturing, Inc. (Honda) plant, and one Nissan Motor Manufacturing Corporation U.S.A. (Nissan) plant. (See *Federal Register*, Vol. 48, No. 5, Friday, February 4, 1983, pp. 5452 through 5456.) Three identical waivers were granted for the GM plants. The waivers allow VOC emissions of 1.9 kg/l of applied coating solids from the portion of the topcoat operations that use BC/CC coatings. The waivers for the Honda plant and the Nissan plant allow VOC emissions of 3.1 and 2.3 kg/l of applied coating solids, respectively, from the portion of the topcoat operations that use BC/CC coatings. Non/BC/CC topcoats, under these waivers, are still required to meet the standard at all times.

Waiver Requests

Chrysler

On February 9, 1984, Chrysler submitted a request for an innovative technology waiver under section 111(j) of the Clean Air Act for the topcoat operation at an automobile plant under construction in Sterling Heights, Michigan, until August 31, 1987. The plant is scheduled to begin production by mid-1984. Chrysler claims they need to use BC/CC topcoats on most, if not all, of the cars produced at this plant so that they can compete with both domestic and foreign car manufacturers who are increasingly relying on BC/CC topcoats.

Chrysler indicated that the lowest VOC content BC/CC coating that would be demonstrated and available for production line use at plant startup is a topcoat system that is composed of a 40 volume percent solids basecoat and a 46 volume percent solids clearcoat (i.e., a 40/46 BC/CC coating). Two other BC/CC coatings that Chrysler indicated would be available at plant startup are a 34/53 BC/CC coating and a 30/39 BC/CC coating. Regardless of which paint is used, the BC will be applied with manual and automatic air atomized spray. The CC will be applied with a combination of electrostatic bells and manual electrostatic sprays. The average transfer efficiency will be 45 percent for the BC and 76.4 percent for the CC. The exhaust gas streams from all the topcoat ovens will be incinerated. The oven incinerators would reduce overall topcoat VOC emissions by about 18 percent. Under these conditions, BC/CC topcoat emissions for the 40/46, 34/53, and 30/39 BC/CC coatings would be 1.68, 2.16 and 2.65 kg/l of applied coating solids, respectively.

Currently, Chrysler has two BC/CC coatings under evaluation (a 48/54 BC/CC coating and a 38/54 BC/CC coating). The 48/54 BC/CC coating could meet the topcoat standard of performance with oven incineration and an average coating transfer efficiency of 45 percent for BC and 76.4 percent for CC. Chrysler expects this coating to be ready for production application prior to the 1988 car model year.

Ford

On February 10, 1984, Ford submitted a request for an innovative technology waiver under section 111(j) of the Clean Air Act for each new topcoat operation at three of its existing assembly plants until December 31, 1986. The Hapeville, Georgia, plant and the St. Paul, Minnesota, plant are scheduled to start their new topcoat operations at the beginning of 1985; the Hazelwood, Missouri, plant is scheduled to start its new topcoat operation in August 1984. Ford claims they need to use BC/CC topcoats at these plants so they can be competitive with vehicles produced by other domestic and foreign manufacturers.

Ford indicated that the lowest VOC content BC/CC coating that would be demonstrated and available for production line use by the third quarter of 1984 is a 22/46 BC/CC coating. Ford plans to use this coating on a portion of the vehicles produced at all three plants. (The remaining vehicles will be painted with non-BC/CC higher solids enamels that will comply with the NSPS for

automobile and light-duty truck topcoats.) The BC will be applied using a combination of manual and automatic nonelectrostatic applicators and high voltage automatic electrostatic applicators. The CC will be applied with a combination of manual and automatic electrostatic applicators. Due to the different vehicle configurations and planned production rates at each plant, different combinations of application equipment were selected for each plant. The different combinations of application equipment result in different average overall topcoat transfer efficiencies at each plant. The average overall basecoat transfer efficiency will be 49 percent at the St. Paul plant, 52 percent at the Hapeville plant, and 59 percent at the Hazelwood plant; the average overall clearcoat transfer efficiency will be 70 percent at the Hazelwood and St. Paul plants and 72 percent at the Hapeville plant. The oven exhaust gas stream from the St. Paul, Minnesota, plant will be incinerated; however, Ford noted that the incineration is provided for odor control and not VOC control. Oven exhaust gas streams from the other two plants will not be incinerated. Incinerators at the St. Paul, Minnesota, plant would reduce overall topcoat VOC emissions by about 27 percent. Under these conditions, BC/CC topcoat emissions would be 2.45 kg/l of applied coating solids at the Hazelwood plant; 2.61 kg/l of applied coating solids at the Hapeville plant; and 2.00 kg/l of applied coating solids (taking into account the incineration) at the St. Paul plant.

Ford is currently studying two higher solids BC/CC materials. One is a 32/46 BC/CC coating and the other is a 38/54 BC/CC coating. Of these, only the 38/54 BC/CC coating would comply with the topcoat standard of performance using the application equipment noted above and their respective BC and CC transfer efficiencies at each of the three plants and using incinerators at the St. Paul plant. The 38/54 BC/CC coating is expected to be in use by December 31, 1986.

The Chrysler and Ford waiver requests each depend upon the development of lower VOC content BC/CC topcoats than are currently demonstrated. Therefore, reviews of these requests are presented under the same headings below.

Technology Not Demonstrated

Chrysler plans to use BC/CC coatings on most, if not all, of the automobiles produced at the plant for which they have requested a waiver. Ford plans to use BC/CC coatings on about 60 percent of the automobiles produced at the

Hapeville, Georgia, plant; about 50 percent of the vans produced at the Hazelwood, Missouri, plant; and about 35 percent of the pickup trucks at the St. Paul, Minnesota, plant. The lowest VOC content BC/CC coating expected to be available and demonstrated for the Chrysler plant at startup will average 40 volume percent solids for the basecoat and 46 volume percent solids for the clearcoat (i.e., 40/46 BC/CC coating). The lowest VOC content BC/CC coating expected to be available and demonstrated for the Ford plants at startup will average 22 volume percent solids for the basecoat and 46 volume percent solids for the clearcoat (i.e., 22/46 BC/CC coating).

When these BC/CC coating systems are applied with the best available coating application equipment demonstrated by each company, emissions of 1.68 (Chrysler), 2.45 (Ford-Hazelwood, Missouri), 2.61 (Ford-Hapeville, Georgia), and 2.00 (Ford-St. Paul, Minnesota) kg/l of applied coating solids would result (based on 100 percent use of BC/CC coatings at each plant and on the use of incinerators at Chrysler's plant and at Ford's St. Paul plant). These emission levels are higher than the 1.47 kg/l of applied coating solids allowed by the standard of performance for topcoat operations. To the extent Ford uses both BC/CC and non-BC/CC coatings at their three plants, overall average topcoat emissions at startup will be lower.

Higher solids BC/CC coatings, which are in various stages of development and testing, include a 38/54 BC/CC coating and a 48/54 BC/CC coating (by Chrysler) and a 32/46 BC/CC coating and a 38/54 BC/CC coating (by Ford). Chrysler could meet the topcoat standard of performance with the 48/54 BC/CC coating using the paint application equipment and bake oven exhaust incinerators they plan to install at startup at their plant. Ford could meet the topcoat standard of performance with the 38/54 BC/CC coating using the paint application equipment they plan to use at startup in their plants and incinerators at the St. Paul plant.

Development of these BC/CC coatings to the point where they are compatible with high transfer efficiency coating equipment and ready for use on assembly lines is a time-consuming process. Achievement of the emission rates necessary to comply with the topcoat standard of performance is dependent not only upon continued development of these coatings, but also upon the continued development and use of coating application techniques which result in high transfer efficiency

of the sprayed solids to the automobile. Development and demonstration of these techniques are an integral part of the coatings development program for each automobile manufacturer. Differences in the overall coatings and application program among manufacturers may enable one manufacturer to meet the standard with a coating that has a particular percent volume solids, whereas another manufacturer cannot meet the standard with the same coating. The determination of whether a particular BC/CC coating will meet the standard, therefore, must take into account a number of variables in addition to the percent volume solids.

In addition to the need to assure that the coatings can be applied under assembly-line conditions while achieving acceptable appearance and quality, there is also the need to assure durability of the coating. This requires long-term exposure testing.

Until the 38/54 or 48/54 BC/CC coating is fully developed, compliance with the topcoat standard of performance using BC/CC coatings can only be achieved by limiting production of vehicles with BC/CC coatings or by using add-on controls. Limiting production of vehicles with BC/CC coatings to achieve compliance with the topcoat standard of performance is unreasonable due to the economic penalty this could impose of domestic automobile manufacturers as a result of their inability to manufacture a sufficient number of vehicles with BC/CC coatings. Similarly, as explained below, the use of add-on controls is also unreasonable.

Up to 80 percent of all VOC emitted from a topcoat operation are emitted from the spray booth area. This high volume emission stream is characterized by low VOC concentration. This is due to the ventilation requirements for workers in the spray booth and process considerations to prevent overspray from drifting from one vehicle to the next. There are two add-on control technologies that could be applied to this stream to reduce VOC emissions: carbon adsorption and incineration. Both effectively remove or destroy VOC from the exhaust streams before release to the atmosphere.

Carbon adsorption units have been used in experimental studies on low VOC concentration spray booth exhaust streams and have been technically demonstrated. Although these systems have not been used in full-scale production, there is sufficient evidence to show that they would also work in such applications. Ford estimates that

the capital costs for this control alternative would be between \$15 and \$20 million per plant using the 22/46 BC/CC coating.

Incineration of the spray booth exhaust streams requires a large amount of supplemental fuel because the low VOC concentration cannot support combustion by itself. Chrysler estimates that the capital costs for thermal incineration equipment necessary to achieve compliance with the topcoat standard of performance for available topcoat materials would be between \$7 and \$10 million using the 30/39 BC/CC coating. The annual operating cost the Chrysler's system was estimated to be approximately \$7 million. The thermal incineration would reduce VOC emissions by approximately 375 tons per year, resulting in a cost effectiveness of over \$18,000 per ton of VOC removed.

In summary, BC/CC topcoat systems that will meet the topcoat standard of performance and allow production of BC/CC coated vehicles at the levels required to permit domestic automobile manufacturers to compete with foreign automobile manufacturers are not adequately demonstrated. Add-on control system that would reduce VOC emissions to levels required to comply with the topcoat standard of performance are demonstrated technically, but the economic and energy impacts associated with these control systems are considered unreasonable, and the systems are, therefore, not adequately demonstrated within the meaning of section 111(a)(1).

BC/CC Systems Will Operate Effectively and Achieve the Standard at Lower Costs

There is sufficient evidence to indicate that the companies that develop and market automobile coatings and coatings application equipment will develop BC/CC coating systems that will meet both the topcoat standard of performance and the automobile manufacturers production and coating quality requirements within the time frame provided in the waivers. This conclusion is based on the fact that a number of BC/CC coatings, which have lower VOC contents than currently demonstrated BC/CC coatings, are already in various stages of testing and that the companies that develop and market automobile coatings have a history of succeeding within their projected time frames for developing low VOC content coatings.

When developed, the 38/54 or 48/54 BC/CC coatings will meet the topcoat standard of performance. These low VOC content BC/CC coatings will be able to achieve the topcoat standard

without spray booth controls; therefore, the energy and economic impacts would be much less than for the use of a 30/39, 34/53, 40/46, or 22/46 BC/CC coating and spray booth controls.

Number of Waivers Needed To Demonstrate Technology

Based on a review of the technical factors involved in demonstrating that lower solvent BC/CC systems are an adequately demonstrated technology, the Agency concludes that the number of waivers which have been requested are necessary and appropriate. Generally, much of the BC/CC technology is transferable among automobile manufacturing companies, since coating manufacturers do not limit their sales to only one firm or plant. However, individual automobile manufacturing companies have historically relied on their own testing procedures and acceptance criteria for establishing a coating durability and quality. Such independent testing is an inherent part of the structure of the automobile industry and plays an important role in advancing the quality of automobile coatings.

Moreover, the demonstration of BC/CC technology involves advancement in application equipment, as well as the coatings, and the two must be compatible. The advancement and demonstration of this technology must take into account a number of variables including different plant designs and approaches to paint processing; variability among coating supplied by several suppliers; plant-to-plant differences in the operation of paint line equipment (e.g. oven temperature, spray booth flow rate, and humidity control systems); the use of robot systems; and high voltage electrostatic equipment supplied by several vendors. In effect, these variables present a matrix of combinations which must be evaluated before the lower solvent BC/CC systems are fully demonstrated. Considering the complexity and technical challenge which this presents, the Agency concludes that each waiver is warranted.

BC/CC Will Not Cause or Contribute to Unreasonable Risk to Public Health, Welfare, or Safety

The ambient air quality impacts of allowing additional VOC emissions during the waiver period would not contribute to an unreasonable risk to public health, welfare, or safety. The waivers would allow between 100 and 400 additional tons of VOC per plant per year to be emitted from topcoat operations while they are in effect based on their projected split of non-BC/CC

and BC/CC coatings at their plants. If the manufacturers were to use BC/CC coatings 100 percent of the time, the waivers would allow between 300 and 700 additional tons of VOC per plant to be emitted from topcoat operations while in effect.

The proposed waivers contain a general provision to clarify that the granting of these waivers does not exempt the automobile manufacturers from any requirements that the State may impose in order to maintain reasonable further progress, to achieve an approved demonstration of attainment, or to attain and maintain the national ambient air quality standard for ozone. The proposed waivers would not affect the attachment date for the national ambient air quality standard for ozone because they would expire on December 31, 1986.

Three of the four plants are in nonattainment areas for ozone; two of these three plants (Hazelwood, Missouri, and Hapeville, Georgia) are in nonattainment areas that lack approved demonstrations of attainment for ozone. All four plants, however, must have construction and operating permits. These permits will have to be revised as discussed in the following paragraphs.

The permits for the three plants in nonattainment areas must ensure that reasonable further progress (RFP) toward attainment will be maintained. The statewide compliance requirements of section 173 of the Clean Air Act also must be met. For the two plants in nonattainment areas without approved demonstrations of attainment, the States must require sufficient offsetting emission reductions so that RFP is maintained. Each of these three plants must also meet the lowest achievable emission rate requirement of section 173 of the Act. The proposed development of BC/CC coatings appears to meet the intent of the LAER requirement since it offers the potential of providing greater emission reductions at lower costs than existing LAER technology. EPA, thus, encourages any State LAER decision to allow for the development of BC/CC coatings at these plants that is consistent with the conditions of the 111(j) waivers.

For the plant in an attainment area for ozone, the permit must ensure the maintenance of the national ambient air quality standard for ozone as provided for by Part C of the Act. The proposed waiver for this plant would not adversely affect the maintenance of the national ambient air quality standard for ozone.

Use of the VOC content BC/CC coating systems will not result in an

increase in water or solid waste pollution compared to the current coating systems now in use at existing plants, nor will new pollutants be released to the environment.

Conclusion

Based on the above considerations, the Administrator proposes to grant, subject to the concurrence of the Governors of Georgia, Michigan, Minnesota, and Missouri, innovative technology waivers as specified in this proposal to: (1) Chrysler for their Sterling Heights, Michigan, automobile assembly plant; (2) Ford for their Hapeville, Georgia, automobile assembly plant; (3) Ford for their Hazelwood, Missouri, passenger van assembly plant; and (4) Ford for their St. Paul, Minnesota, light-duty truck assembly plant based upon findings that such waivers comply with the provisions of section 111(j) of the Act.

Proposed Waivers

The four waivers are proposed to be granted under the following general conditions. The starting BC/CC system would be the lowest emitting BC/CC system adequately demonstrated for each plant. The plants must use coating applications systems with the highest transfer efficiencies that are currently available and practical at the respective plant.

The waivers would cover only the BC/CC topcoat portion of the topcoat operations. If non-BC/CC solid color or metallic topcoats are used, that portion of the topcoats operation must meet the topcoat standard of performance at all times. Reports of progress on the development of the BC/CC systems must be made to EPA within 60 days of issuance of the waiver and at least each 12-month period. The topcoat standard of performance must be achieved as soon as possible.

As noted earlier, Chrysler requested that their waiver be granted until August 31, 1987, and Ford requested that their waivers be granted until December 31, 1986. Chrysler's requested date is based upon introducing a compliance BC/CC at the start of the 1988 model year rather than introducing a compliance BC/CC in the middle of the 1987 model year. The other automobile manufacturers for whom waivers have already been issued indicated that they can implement a compliance BC/CC system by December 31, 1986, even though the changeover might occur in the middle of the 1987 model year. These previously issued waivers expire on December 31, 1986. There is no apparent technological reason as to why all waivers, including those that would be granted to Chrysler,

should not expire on the same date. Therefore, the proposed waivers for Chrysler and Ford would expire on December 31, 1986.

The companies are required, consistent with Parts C and D of the Clean Air Act, to obtain permits to operate from the State. These permits would ensure that each waiver will not prevent attainment and maintenance of any national ambient air quality standard. The conditions of the proposed waivers would also require proper operation of the BC/CC systems.

By virtue of section 111(j)(1)(B) of the Clean Air Act, 42 U.S.C. 7411(j)(1)(B), the terms and conditions of the section 111(j) waivers would be federally promulgated standards of performance legally applicable during the waiver periods. Violations of the terms and conditions of the section 111(j) waivers would subject the owners and operators of the plants granted waivers to Federal enforcement under section 113 (b) and (c) of the Act, 42 U.S.C. 7413 (b) and (c), and under section 120 of the Act, 42 U.S.C. 7420, as well as possible citizen-enforcement under section 304 of the Act, 42 U.S.C. 7604.

State Concurrence

Pursuant to section 111(j)(1)(A) of the Act, 42 U.S.C. 7411(j)(1)(A), if after review and consideration of comments submitted in response to this rulemaking, the Administrator decides to issue a waiver of the Federal New Source Performance Standard to Chrysler's Sterling Heights, Michigan, plant; Ford's Hapeville, Georgia, plant; Ford's Hazelwood, Missouri, plant; and Ford's St. Paul, Minnesota, plant; the Administrator shall request the concurrence of the Governors of the States of Georgia, Michigan, Minnesota, and Missouri. Receipt of such concurrences is a prerequisite for a waiver under section 111(j) of the Act.

Docket

The docket for each proposed waiver is an organized and complete file of all the information considered in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated waivers and EPA's responses to significant comments, the contents of the docket will serve as the record in case of

judicial review except for interagency review materials [section 307(d)(7)(A)].

Miscellaneous

The Paperwork Reduction Act of 1980 (Pub. L. 96-511) requires EPA to submit to the Office of Management and Budget (OMB) certain public reporting/recordkeeping requirements before proposal. This rulemaking does not involve a "collection of information" as defined in the Paperwork Reduction Act. Therefore, the provisions of the Paperwork Reduction Act applicable to collection of information do not apply to this rulemaking.

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 601 et seq. is not required for this rulemaking because the rulemaking would not have a significant impact on a substantial number of small entities. The rulemaking would not impose any new requirements; and, therefore, no additional costs would be imposed. It is, therefore, classified as nonmajor under Executive Order 12291. This rulemaking was submitted to OMB for review as required by Executive Order 12291.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic Minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by Reference, Can surface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators, Fiberglass insulation, Synthetic fibers.

Dated: September 14, 1984.

William D. Ruckelshaus,
Administrator.

PART 60—[AMENDED]

Title 40 Part 60, Subpart MM of the Code of Federal Regulations is proposed to be amended by adding the following new paragraphs to § 60.398 as set forth below:

§ 60.398 Innovative technology waivers.

* * * * *

(f) Chrysler Corporation, Sterling Heights, Michigan automobile assembly plant.

(1) Pursuant to section 111(j) of the Clean Air Act, 42 U.S.C. 7411(j), each topcoat operation at Chrysler Corporation's automobile assembly

plant located in Sterling Heights Michigan, shall comply with the following conditions:

(i) The Chrysler Corporation shall obtain the necessary permits as required by Parts C and D of the Clean Air Act, as amended August 1977, to operate the Sterling Heights assembly plant.

(ii) Commencing on [date of promulgation in the **Federal Register**], and continuing to December 31, 1986, or until the basecoat/clearcoat (BC/CC) topcoat system that can achieve the standard specified in 40 CFR 60.392(c) is demonstrated to the Administrator's satisfaction, whichever is sooner, the Chrysler Corporation shall limit the discharge of VOC emissions to the atmosphere from each topcoat operation at the Sterling Heights, Michigan, assembly plant, to either:

(A) 1.7 kilograms of VOC per liter of applied coating solids from BC/CC topcoats, and 1.47 kilograms of VOC per liter of applied coating solids from all other topcoat coatings; or

(B) 1.47 kilograms of VOC per liter of applied coating solids from all topcoat coatings.

(iii) Commencing on the day after the expiration of the period described in paragraph (f)(1)(ii) of this section and continuing thereafter, emissions of VOC from each topcoat operation shall not exceed 1.47 kilograms of VOC per liter of applied coating solids as specified in 40 CFR 60.392(c).

(iv) Each topcoat operation shall comply with the provisions of §§ 60.393, 60.394, 60.395, 60.396, and 60.397. Separate calculations shall be made for BC/CC coatings and all other topcoat coatings when necessary to demonstrate compliance with the emission limits in § 60.398(f)(1)(ii)(A).

(v) A technology development report shall be sent to EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604, postmarked before 60 days after the promulgation of this waiver and annually thereafter while this waiver is in effect. A copy of this report shall be sent to Director, Emission Standards, and Engineering Division, U.S. Environmental Protection Agency, MD-13, Research Triangle Park, North Carolina 27711. The technology development report shall summarize the BC/CC development work including the results of exposure and endurance tests of the various coatings being evaluated. The report shall include an updated schedule of attainment of 40 CFR 60.392(c), based on the most current information.

(2) This waiver shall be a federally promulgated standard of performance. As such, it shall be unlawful for the Chrysler Corporation to operate a

topcoat operation in violation of the requirements established in this waiver. Violation of the terms and conditions of this waiver shall subject the Chrysler Corporation to enforcement under section 113 (b) and (c) of the Act (42 U.S.C. 7412 (b) and (c)) and under section 120 of the Act (42 U.S.C. 7420) as well as possible citizen enforcement under section 304 of the Act (42 U.S.C. 7604).

(3) This waiver shall not be construed to constrain the State of Michigan from imposing upon the Chrysler Corporation any emission reduction requirement at Chrysler's Sterling Heights automobile assembly plant necessary for the maintenance of reasonable further progress or the attainment of the national ambient air quality standard for ozone or the maintenance of the national ambient air quality standard for ozone.

(g) Ford Motor Company, Hapeville, Georgia, automotive assembly plant.

(1) Pursuant to section 111(j) of the Clean Air Act, 42 U.S.C. 7411(j), each topcoat operation at Ford Motor Company's automobile assembly plant located in Hapeville, Georgia, shall comply with the following conditions:

(i) The Ford Motor Company shall obtain the necessary permits as required by Parts C and D of the Clean Air Act, as amended August 1977, to operate the Hapeville assembly plant.

(ii) Commencing on [date of promulgation in the **Federal Register**], and continuing to December 31, 1986, or until the basecoat/clearcoat (BC/CC) topcoat system that can achieve the standard specified in 40 CFR 60.392(c) is demonstrated to the Administrator's satisfaction, whichever is sooner, the Ford Motor Company shall limit the discharge of VOC emissions to the atmosphere from each topcoat operation at the Hapeville, Georgia, assembly plant, to either:

(A) 2.6 kilograms of VOC per liter of applied coating solids from BC/CC topcoat, and 1.47 kilograms of VOC per liter of applied coating solids from all other topcoat coatings; or

(B) 1.47 kilograms of VOC per liter of applied coating solids from all topcoat coatings.

(iii) Commencing on the day after the expiration of the period described in paragraph (g)(1)(ii), of this section and continuing thereafter, emissions of VOC from each topcoat operation shall not exceed 1.47 kilograms of VOC per liter of applied coating solids as specified in 40 CFR 60.392(c).

(iv) Each topcoat operation shall comply with the provisions of §§ 60.393, 60.394, 60.395, 60.396, and 60.397. Separate calculations shall be made for

BC/CC coatings and all other topcoat coating when necessary to demonstrate compliance with the emission limits in § 60.398(g)(1)(ii)(A).

(v) A technology development report shall be sent to EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, postmarked before 60 days after the promulgation of this waiver and annually thereafter while this waiver is in effect. A copy of this report shall be sent to Director, Emission Standards and Engineering Division, U.S. Environmental Protection Agency, MD-13, Research Triangle Park, North Carolina, 27711. The technology development report shall summarize the BC/CC development work including the results of exposure and endurance tests of the various coatings being evaluated. The report shall include an updated schedule of attainment of 40 CFR 60.392(c), based on the most current information.

(2) This waiver shall be a federally promulgated standard of performance. As such, it shall be unlawful for the Ford Motor Company to operate a topcoat operation in violation of the requirements established in this waiver. Violation of the terms and conditions of this waiver shall subject the Ford Motor Company to enforcement under section 113 (b) and (c) of the Act (42 U.S.C. 7412 (b) and (c)) and under section 120 of the Act (42 U.S.C. 7420) as well as possible citizen enforcement under section 304 of the Act (42 U.S.C. 7604).

(3) This waiver shall not be construed to constrain the State of Georgia from imposing upon the Ford Motor Corporation any emission reduction requirement at Ford's Hapeville automobile assembly plant necessary for the maintenance of reasonable further progress or the attainment of the national ambient air quality standard for ozone or the maintenance of the national ambient air quality standard for ozone.

(h) Ford Motor Company, St. Paul, Minnesota, light-duty truck assembly plant.

(1) Pursuant to section 111(j) of the Clean Air Act, 42 U.S.C. 7411(j), each topcoat operation at Ford Motor Company's automobile assembly plant located in St. Paul, Minnesota, shall comply with the following conditions:

(i) The Ford Motor Company shall obtain the necessary permits as required by Parts C and D of the Clean Air Act, as amended August 1977, to operate the St. Paul assembly plant.

(ii) Commencing on [date of promulgation in the **Federal Register**], and continuing to December 31, 1986, or

until the basecoat/clearcoat (BC/CC) topcoat system that can achieve the standard specified in 40 CFR 60.392(c), is demonstrated to the Administrator's satisfaction, whichever is sooner, the Ford Motor Company shall limit the discharge of VOC emissions to the atmosphere from each topcoat operation at the St. Paul, Minnesota, assembly plant, to either:

(A) 2.0 kilograms of VOC per liter of applied coating solids from BC/CC topcoats, and 1.47 kilograms of VOC per liter of applied coating solids from all other topcoat coatings; or

(B) 1.47 kilograms of VOC per liter of applied coating solids from all topcoat coatings.

(iii) Commencing on the day after the expiration of the period described in paragraph (h)(1)(ii) of this section, and continuing thereafter, emissions of VOC from each topcoat operation shall not exceed 1.47 kilograms of VOC per liter of applied coating solids as specified in 40 CFR 60.392(c).

(iv) Each topcoat operation shall comply with the provisions of §§ 60.393, 60.394, 60.395, 60.396, and 60.397. Separate calculations shall be made for BC/CC coatings and all other topcoat coatings when necessary to demonstrate compliance with the emission limits in § 60.398(h)(1)(ii)(A).

(v) A technology development report shall be sent to EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604, postmarked before 60 days after the promulgation of this waiver and annually thereafter while this waiver is in effect. A copy of this report shall be sent to Director, Emission Standards and Engineering Division, U.S. Environmental Protection Agency, MD-13, Research Triangle Park, North Carolina, 27711. The technology development report shall summarize the BC/CC development work including the results of exposure and endurance tests of the various coatings being evaluated. The report shall include an updated schedule of attainment of 40 CFR 60.392(c), based on the most current information.

(2) This waiver shall be a federally promulgated standard of performance. As such, it shall be unlawful for the Ford Motor Company to operate a topcoat operation in violation of the requirements established in this waiver. Violation of the terms and conditions of

this waiver shall subject the Ford Motor Company to enforcement under section 113 (b) and (c) of the Act (42 U.S.C. 7412 (b) and (c)) and under section 120 of the Act (42 U.S.C. 7420) as well as possible citizen enforcement under section 304 of the Act (42 U.S.C. 7604).

(3) This waiver shall not be construed to constrain the State of Minnesota from imposing upon the Ford Motor Corporation any emission reduction requirement at Ford's St. Paul light-duty truck assembly plant necessary for the maintenance of reasonable further progress or the attainment of the national ambient air quality standard for ozone or the maintenance of the national ambient air quality standard for ozone.

(i) Ford Motor Company, Hazelwood, Missouri, passenger van assembly plant.

(1) Pursuant to section 111(j) of the Clean Air Act, 42 U.S.C. 7411(j), each topcoat operation at Ford Motor Company's automobile assembly plant located in Hazelwood, Missouri, shall comply with the following conditions:

(i) The Ford Motor Company shall obtain the necessary permits as required by Parts C and D of the Clean Air Act, as amended August 1977, to operate the Hazelwood assembly plant.

(ii) Commencing on [date of promulgation in the **Federal Register**] and continuing to December 31, 1986, whichever comes first, or until the basecoat/clearcoat (BC/CC) topcoat system that can achieve the standard specified in 40 CFR 60.392(c) is demonstrated to the Administrator's satisfaction, whichever is sooner, the Ford Motor Company shall limit the discharge of VOC emissions to the atmosphere from each topcoat operation at the Hazelwood, Missouri, assembly plant, to either:

(A) 2.5 kilograms of VOC per liter of applied coating solids from BC/CC topcoats, and 1.47 kilograms of VOC per liter of applied coating solids from all other topcoat coatings; or

(B) 1.47 kilograms of VOC per liter of applied coating solids from all topcoat coatings.

(iii) Commencing on the day after the expiration of the period described in paragraph (i)(1)(ii) of this section, and continuing thereafter, emissions of VOC from each topcoat operation shall not exceed 1.47 kilograms of VOC per liter

of applied coating solids as specified in 40 CFR 60.392(c).

(iv) Each topcoat operation shall comply with the provisions of §§ 60.393, 60.394, 60.395, 60.396, and 60.397. Separate calculations shall be made for BC/CC coatings and all other topcoat coatings when necessary to demonstrate compliance with the emission limits in § 60.398(i)(1)(ii)(A).

(v) A technology development report shall be sent to EPA Region VII, 324 East 11th Street, Kansas City, Missouri 64106, postmarked before 60 days after the promulgation of this waiver and annually thereafter while this waiver is in effect. A copy of this report shall be sent to Director, Emission Standards and Engineering Division, U.S. Environmental Protection Agency, MD-13, Research Triangle Park, North Carolina 27711. The technology development report shall summarize the BC/CC development work including the results of exposure and endurance tests of the various coatings being evaluated. The report shall include an updated schedule of attainment of 40 CFR 60.392(c), based on the most current information.

(2) This waiver shall be a federally promulgated standard of performance. As such, it shall be unlawful for the Ford Motor Company to operate a topcoat operation in violation of the requirements established in this waiver. Violation of the terms and conditions of this waiver shall subject the Ford Motor Company to enforcement under section 113(b) and (c) of the Act (42 U.S.C. 7412(b) and (c)) and under section 120 of the Act (42 U.S.C. 7420) as well as possible citizen enforcement under section 304 of the Act (42 U.S.C. 7604).

(3) This waiver shall not be construed to constrain the State of Missouri from imposing upon the Ford Motor Corporation any emission reduction at Ford's Hazelwood passenger van assembly plant necessary for the maintenance of reasonable further progress or the attainment of the national ambient air quality standards for ozone or the maintenance of the national ambient air quality standard for ozone.

(42 U.S.C. 7411 and sec. 111(j) of the Clean Air Act)

[FR Doc. 84-25184 Filed 9-21-84; 8:45 am]

BILLING CODE 6550-50-M

Reader Aids

Federal Register

Vol. 49, No. 186

Monday, September 24, 1984

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-2867
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230
United States Government Manual	523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

34799-35000	4
35001-35070	5
35071-35330	6
35331-35482	7
35483-35608	10
35609-35740	11
35741-35926	12
35927-36064	13
36065-36358	14
36359-36490	17
36491-36622	18
36623-36812	19
36813-37054	20
37055-37368	21
37369-37554	24

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:

Memorandums:	
August 30, 1984	35001
September 6, 1984	35609, 36491

September 11, 1984	35927
September 18, 1984	36813

Presidential Determinations:

No. 84-13 of	
September 8, 1984	36065

Proclamations:

5232	35741
------	-------

Executive Orders:

12456 (Amended by	
EO 12487	36493
12487	36493

September 5, 1914	
Revoked in part	
by PLO 6566	36856

October 23, 1914	
Revoked in part	
by PLO 6566	36856

May 11, 1915	
Revoked in part	
by PLO 6566	36856

April 28, 1917	
Revoked in part	
by PLO 6566	36856

4 CFR

Proposed Rules:

21	36386
----	-------

5 CFR

532	37055
1200	35331
1201	35331, 36495
1203	35331
1204	35331
1205	35331
1206	35331

Proposed Rules:

Ch. XIV	35096
---------	-------

7 CFR

1	35929
301	35332, 36623, 36815
400	35071
781	35072
800	36067, 37055
810	35339, 35743, 37369
910	34799, 35340, 36072, 37056
915	36359
917	36360
918	35341
929	36626
944	36359
993	35929
1006	34799
1007	34799, 35078

1011	34799, 35078
1012	34799
1013	34799
1030	35078
1032	35078
1033	36072
1046	35078, 35930
1049	35078
1050	35078
1062	35078
1064	35078
1065	35078, 37369
1068	35078
1076	35078
1079	35078
1093	34799
1094	34799, 35078
1096	34799, 35078
1097	35078
1098	34799, 35078
1099	34799, 35078
1102	34799, 35078
1106	35078
1108	34799, 35078
1120	35078
1126	35078
1131	35078
1132	35078
1138	35078
1421	35745
1942	36627
2200	34804

Proposed Rules:

250	36390
301	36391
319	36391
910	36862
920	35022
927	35096
981	35382
989	37424
1004	35100
1007	34832, 36392
1033	35101
1065	37102
1079	35383, 37103
1093	34832
1094	34832
1097	35119
1421	34833
1736	35781

8 CFR

100	37370
103	37370

9 CFR

81	34804, 36630
91	36077
94	36078
201	37371
203	35746

318.....35746	399.....36079	446.....37058	70a.....35800
327.....36817	2301.....36600	520.....36829	1910.....36659
381.....35746, 36817	Proposed Rules:	522.....36829	
Proposed Rules:	30.....37425	524.....37058	30 CFR
112.....35022	373.....35790, 36655	546.....37058	210.....37336
113.....35022	376.....35790, 36655	555.....37059	212.....37336
307.....35782		558.....34820, 35486, 35625,	217.....37336
308.....35507	16 CFR	36366	218.....37336
310.....35782	13.....34816-34818, 35007,	561.....35767	219.....37336
317.....37103	35008, 35342, 36366	600.....36326, 36644	228.....37336
318.....35507	1030.....35483	803.....36326, 36644	229.....37336
320.....35507		1002.....36326, 36644	241.....37336
327.....35507	17 CFR	1003.....36326, 36644	243.....37336
381.....35507, 37103	33.....35010	1020.....37380	250.....36500
10 CFR	145.....34818	1240.....36644	943.....37062
2.....35747, 36631	150.....36825	1304.....37059	948.....36837
40.....35611	230.....35342	Proposed Rules:	950.....37063
50.....35747, 36631	239.....35342	101.....36405	Proposed Rules:
205.....35302	270.....36080	102.....36111	816.....35714
590.....35302	Proposed Rules:	155.....36870, 36871	817.....35714
Proposed Rules:	230.....35798	158.....36871	855.....35714
20.....36653	240.....35798	23 CFR	906.....37426
420.....36397	18 CFR	Proposed Rules:	935.....35522, 35961
430.....36472	3.....35348	667.....36657	31 CFR
12 CFR	157.....35357	24 CFR	500.....35927
4.....35755	271.....37375, 37378	571.....35367	505.....35927
207.....35756	274.....35357	1710.....35934	515.....35927
220.....35756	284.....35357	3280.....36086	520.....35927
221.....35756	371.....37056	Proposed Rules:	32 CFR
338.....35758	375.....35348, 35357, 36829	207.....36871	199.....35934, 36087
543.....35003	381.....35348, 35357	220.....36871	706.....35493-35495, 35625,
545.....36631	385.....35348, 35357	221.....36871	35626
552.....34806	389.....35348	231.....36871	Proposed Rules:
563.....35003	Proposed Rules:	232.....36871	90.....35148
564.....36632	2.....35135	25 CFR	199.....35961
572.....34806	37.....35960	39.....34820, 36367	33 CFR
Proposed Rules:	157.....35135	700.....35379	100.....34821, 34822, 35010,
3.....34838	270.....36399	26 CFR	35495
8.....35784	271.....35143, 35384, 36399,	1.....35086, 36645, 36830	110.....36840
11.....37246	36655	5f.....35086	117.....35497, 35627, 35935,
611.....36655	272.....36399	5h.....35486	36840, 37381
701.....35957	273.....36399	18.....35486	165.....35498, 36841, 37382
14 CFR	274.....36399	31.....36830	Proposed Rules:
21.....36361	284.....35135	35a.....36645	110.....35523, 36876, 37427
39.....35079-35083, 35612-	385.....35961	301.....36830	117.....35963
35622, 36365, 36634,	19 CFR	601.....36497, 37060	162.....35523
36819-36824	4.....35483	Proposed Rules:	34 CFR
71.....34813, 34814, 35623,	101.....37057	1.....35144, 35145, 35511,	75.....35318
35624, 35764-35766,	141.....35485	36510, 36659	76.....35318
36825, 37375	Proposed Rules:	51.....35517, 36510	98.....35318
75.....34815	Ch. I.....35656	301.....35145, 35511	628.....37325
97.....35932	10.....35509	27 CFR	Proposed Rules:
125.....34815	18.....35658	4.....35768	32.....35658
Proposed Rules:	24.....35658	5.....35768	75.....36808
Ch. I.....35120, 37109	101.....35026	7.....35768	76.....36808
17.....35384	112.....35658	72.....37061	200.....36877
21.....35121, 35123	141.....35658	240.....37510	204.....36877
23.....37111	144.....35658	Proposed Rules:	298.....36877
39.....35126-35128, 35640-	146.....35658	4.....34847, 37527	304.....36808
35651, 36862-36867,	191.....35658	9.....35027	36 CFR
37110	20 CFR	240.....37527	Proposed Rules:
65.....35652	629.....36495	28 CFR	254.....36405
71.....34846, 35653-35655,	630.....36495	0.....35934	281.....36112
35786-35788, 36869	Proposed Rules:	39.....35724	37 CFR
93.....35026	656.....36111	29 CFR	1.....36096
101.....35789	21 CFR	1601.....36086	Proposed Rules:
198.....35130	175.....36496	Proposed Rules:	2.....35527
255.....35507	177.....36086, 36635	20.....36612-36619	
15 CFR	182.....35366		
4.....35084	184.....35366		
385.....36079			

38 CFR
21..... 35629, 37383

Proposed Rules:

36..... 34847

39 CFR

10..... 37383

601..... 36500

Proposed Rules:

111..... 36510

40 CFR

30..... 35010

52..... 35500, 35501, 35631,

36096, 36501, 36645,

36842, 37064

60..... 35936, 36368, 37064,

37328, 37384

61..... 35768, 35936, 36368,

37064

62..... 35502, 35771

61..... 35631, 36370, 36646

122..... 37007

133..... 36986

147..... 37065

261..... 37066

300..... 37070

413..... 34823

433..... 34823

469..... 34823

710..... 36844

747..... 36846

721..... 35011

761..... 36648

Proposed Rules:

50..... 35029

51..... 37542

52..... 34851, 34866, 35155,

35662, 36407-36409,

36511, 36661-36663,

37427, 37429

53..... 35029

57..... 34870

58..... 35029

60..... 35156, 36410, 37548

61..... 36877

65..... 36879

81..... 35029, 35964, 37431

133..... 37010

162..... 35804

180..... 35030, 35805

271..... 35608, 35966, 37432

406..... 37046

407..... 37046

408..... 37046

409..... 37046

411..... 37046

422..... 37046

424..... 37046

426..... 37046

430..... 37046

431..... 37046

432..... 37046

439..... 37046

721..... 36880

41 CFR

101-11..... 36502

101-47..... 37091

Proposed Rules:

Ch. 201..... 35385, 36665

42 CFR

405..... 36097

Proposed Rules:

57..... 35324, 35328

405..... 35386

43 CFR

1820..... 35296

1860..... 35296

3160..... 37356

Public Land Orders:

6565..... 35773

6566..... 36856

44 CFR

2..... 36502

9..... 35580

64..... 36648, 36650

65..... 35774, 35775

67..... 35776

Proposed Rules:

11..... 36411

67..... 35806-35809

205..... 34874

45 CFR

205..... 35586

206..... 35586

232..... 35586

233..... 35586

234..... 35586

238..... 35586

239..... 35586

240..... 35586

302..... 35604, 36764

303..... 36773

304..... 36764

801..... 35937, 37092

Proposed Rules:

301..... 36780

302..... 36780

303..... 36780

304..... 36780

305..... 36780

307..... 36780

46 CFR

61..... 36503

63..... 36503

170..... 37384

510..... 36296

515..... 36303

520..... 36303

525..... 36303

530..... 36303

540..... 36303

572..... 36103, 36371

582..... 36856

Proposed Rules:

67..... 35967

47 CFR

1..... 36373, 36503, 37384

2..... 35633

15..... 35634

61..... 34824

63..... 34824

73..... 35637, 36378-36382,

36503, 36651, 37093

83..... 36104, 36105

87..... 35091

90..... 36105, 36373

94..... 36373

97..... 36107

Proposed Rules:

Ch. I..... 37434

2..... 36512

43..... 35809

67..... 37434

73..... 35664, 36112, 36415,

36523, 37125, 37437

74..... 35664

90..... 36113, 36526

97..... 36113

48 CFR

Ch. 3..... 36109

Ch. 3, Appendix A..... 36236

Ch. 5..... 35637, 35938, 36505

Proposed Rules:

Ch. 5..... 36114

Ch. 19..... 37020

230..... 35160

507..... 35161

819..... 36529

852..... 36529

1845..... 36531

49 CFR

172..... 35950

173..... 35950

195..... 36383, 36859

571..... 35380, 35503, 36507

1011..... 36384

1140..... 37385

Proposed Rules:

171..... 37438

172..... 37438

173..... 37438

175..... 37438

192..... 36415

575..... 35814

50 CFR

17..... 35951

20..... 36272, 37387

32..... 35505, 36736, 37093

33..... 35505, 37093

267..... 37423

652..... 35021

663..... 35955

671..... 35779, 36860

672..... 35095, 35505, 35955

Proposed Rules:

13..... 35389

14..... 35389

17..... 34878, 34879, 35031,

35665, 36418, 36665,

36667, 36886

20..... 36290

23..... 35390, 35528

32..... 35530

661..... 35815

LIST OF PUBLIC LAWS

Note: No public bills which

have become law were

received by the Office of the

Federal Register for inclusion

in today's List of Public

Laws.

Last List September 5, 1984.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is \$550 domestic, \$137.50 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	\$6.00	Jan. 1, 1984
3 (1983 Compilation and Parts 100 and 101)	7.00	Jan. 1, 1984
4	12.00	Jan. 1, 1984
5 Parts:		
1-1199	13.00	Jan. 1, 1984
1-1199 (Special Supplement)	None	Jan. 1, 1984
1200-End, 6 (6 Reserved)	6.00	Jan. 1, 1984
7 Parts:		
0-45	13.00	Jan. 1, 1984
46-51	12.00	Jan. 1, 1984
52	14.00	Jan. 1, 1984
53-209	13.00	Jan. 1, 1984
210-299	13.00	Jan. 1, 1984
300-399	7.50	Jan. 1, 1984
400-699	13.00	Jan. 1, 1984
700-899	13.00	Jan. 1, 1984
900-999	14.00	Jan. 1, 1984
1000-1059	12.00	Jan. 1, 1984
1060-1119	9.50	Jan. 1, 1984
1120-1199	7.50	Jan. 1, 1984
1200-1499	13.00	Jan. 1, 1984
1500-1899	6.00	Jan. 1, 1984
1900-1944	14.00	Jan. 1, 1984
1945-End	13.00	Jan. 1, 1984
8	7.00	Jan. 1, 1984
9 Parts:		
1-199	13.00	Jan. 1, 1984
200-End	9.50	Jan. 1, 1984
10 Parts:		
0-199	14.00	Jan. 1, 1984
200-399	12.00	Jan. 1, 1984
400-499	12.00	Jan. 1, 1984
500-End	13.00	Jan. 1, 1984
11	7.50	Apr. 1, 1984
12 Parts:		
1-199	9.00	Jan. 1, 1984
200-299	14.00	Jan. 1, 1984
300-499	9.50	Jan. 1, 1984
500-End	14.00	Jan. 1, 1984
13	13.00	Jan. 1, 1984
14 Parts:		
1-59	13.00	Jan. 1, 1984
60-139	13.00	Jan. 1, 1984
140-199	7.00	Jan. 1, 1984
200-1199	13.00	Jan. 1, 1984
1200-End	7.50	Jan. 1, 1984
15 Parts:		
0-299	7.00	Jan. 1, 1984
300-399	13.00	Jan. 1, 1984

Title	Price	Revision Date
400-End	12.00	Jan. 1, 1984
16 Parts:		
0-149	9.00	Jan. 1, 1984
150-999	9.50	Jan. 1, 1984
1000-End	13.00	Jan. 1, 1984
17 Parts:		
1-239	14.00	Apr. 1, 1984
240-End	13.00	Apr. 1, 1984
18 Parts:		
1-149	12.00	Apr. 1, 1984
150-399	15.00	Apr. 1, 1984
400-End	6.50	Apr. 1, 1984
*19	17.00	Apr. 1, 1984
20 Parts:		
1-399	7.50	Apr. 1, 1984
400-499	13.00	Apr. 1, 1984
500-End	14.00	Apr. 1, 1984
21 Parts:		
1-99	9.00	Apr. 1, 1984
100-169	12.00	Apr. 1, 1984
170-199	12.00	Apr. 1, 1984
200-299	4.25	Apr. 1, 1984
300-499	14.00	Apr. 1, 1984
500-599	13.00	Apr. 1, 1984
600-799	6.00	Apr. 1, 1984
800-1299	9.50	Apr. 1, 1984
1300-End	6.00	Apr. 1, 1984
22	17.00	Apr. 1, 1984
23	13.00	Apr. 1, 1984
24 Parts:		
0-199	8.00	Apr. 1, 1984
*200-499	14.00	Apr. 1, 1984
500-699	6.00	Apr. 1, 1984
700-1699	12.00	Apr. 1, 1984
1700-End	9.50	Apr. 1, 1984
25	14.00	Apr. 1, 1984
26 Parts:		
§§ 1.0-1.169	14.50	Apr. 1, 1984
§§ 1.170-1.300	10.00	Apr. 1, 1984
§§ 1.301-1.400	7.50	Apr. 1, 1984
§§ 1.401-1.500	13.00	Apr. 1, 1984
§§ 1.501-1.640	12.00	Apr. 1, 1984
§§ 1.641-1.850	12.00	Apr. 1, 1984
§§ 1.851-1.1200	14.00	Apr. 1, 1984
§§ 1.1201-End	17.00	Apr. 1, 1984
2-29	13.00	Apr. 1, 1984
30-39	9.00	Apr. 1, 1984
40-299	14.00	Apr. 1, 1984
300-499	9.50	Apr. 1, 1984
500-599	8.00	Apr. 1, 1984
600-End	5.50	Apr. 1, 1984
27 Parts:		
1-199	13.00	Apr. 1, 1984
*200-End	12.00	Apr. 1, 1984
28	7.00	July 1, 1983
29 Parts:		
*0-99	14.00	July 1, 1984
*100-499	6.50	July 1, 1984
500-899	8.00	July 1, 1983
*900-1899	7.50	July 1, 1984
1900-1910	8.50	July 1, 1983
1911-1919	4.50	July 1, 1983
1920-End	8.00	July 1, 1983
30 Parts:		
0-199	7.00	July 1, 1983
*200-699	5.50	July 1, 1984
700-End	13.00	Oct. 1, 1983
31 Parts:		
*0-199	8.00	July 1, 1984
200-End	6.50	July 1, 1983

Title	Price	Revision Date	Title	Price	Revision Date
32 Parts:			42 Parts:		
1-39, Vol. I.....	8.50	July 1, 1983	1-60.....	12.00	Oct. 1, 1983
1-39, Vol. II.....	13.00	July 1, 1983	61-399.....	7.50	Oct. 1, 1983
1-39, Vol. III.....	9.00	July 1, 1983	400-End.....	17.00	Oct. 1, 1983
40-189.....	6.50	July 1, 1983	43 Parts:		
190-399.....	13.00	July 1, 1983	1-999.....	9.00	Oct. 1, 1983
400-699.....	12.00	July 1, 1983	1000-3999.....	14.00	Oct. 1, 1983
700-799.....	7.50	July 1, 1983	4000-End.....	7.50	Oct. 1, 1983
*800-999.....	9.50	July 1, 1984	44.....	12.00	Oct. 1, 1983
*1000-End.....	6.00	July 1, 1984	45 Parts:		
33 Parts:			1-199.....	9.00	Oct. 1, 1983
1-199.....	14.00	July 1, 1983	200-499.....	6.00	Oct. 1, 1983
200-End.....	7.00	July 1, 1983	500-1199.....	12.00	Oct. 1, 1983
34 Parts:			1200-End.....	9.00	Oct. 1, 1983
1-299.....	13.00	July 1, 1983	46 Parts:		
*300-399.....	8.50	July 1, 1984	1-40.....	9.00	Oct. 1, 1983
400-End.....	15.00	July 1, 1983	41-69.....	9.00	Oct. 1, 1983
35.....	5.50	July 1, 1983	70-89.....	5.00	Oct. 1, 1983
36 Parts:			90-139.....	9.00	Oct. 1, 1983
1-199.....	6.50	July 1, 1983	140-155.....	8.00	Oct. 1, 1983
200-End.....	12.00	July 1, 1983	156-165.....	9.00	Oct. 1, 1983
37.....	8.00	July 1, 1984	166-199.....	7.00	Oct. 1, 1983
38 Parts:			200-399.....	12.00	Oct. 1, 1983
0-17.....	7.00	July 1, 1983	400-End.....	7.00	Oct. 1, 1983
18-End.....	6.50	July 1, 1983	47 Parts:		
*39.....	8.00	July 1, 1984	0-19.....	12.00	Oct. 1, 1983
40 Parts:			20-69.....	14.00	Oct. 1, 1983
1-51.....	7.50	July 1, 1983	70-79.....	13.00	Oct. 1, 1983
52.....	14.00	July 1, 1983	80-End.....	13.00	Oct. 1, 1983
53-80.....	14.00	July 1, 1983	48.....	1.50	² Sept. 19, 1983
81-99.....	7.50	July 1, 1983	49 Parts:		
100-149.....	6.00	July 1, 1983	1-99.....	7.00	Oct. 1, 1983
150-189.....	6.50	July 1, 1983	100-177.....	14.00	Nov. 1, 1983
190-399.....	7.00	July 1, 1983	178-199.....	13.00	Nov. 1, 1983
400-424.....	6.50	July 1, 1983	200-399.....	12.00	Oct. 1, 1983
425-End.....	13.00	July 1, 1983	400-999.....	13.00	Oct. 1, 1983
41 Chapters:			1000-1199.....	12.00	Oct. 1, 1983
*1, 1-1 to 1-10.....	13.00	July 1, 1984	1200-1299.....	12.00	Oct. 1, 1983
1, 1-11 to Appendix, 2 (2 Reserved).....	6.50	July 1, 1983	1300-End.....	7.50	Oct. 1, 1983
3-6.....	7.00	July 1, 1983	50 Parts:		
7.....	5.00	July 1, 1983	1-199.....	9.00	Oct. 1, 1983
8.....	4.50	July 1, 1984	200-End.....	13.00	Oct. 1, 1983
*9.....	13.00	July 1, 1984	CFR Index and Findings Aids.....	17.00	Jan. 1, 1984
*10-17.....	9.50	July 1, 1984	Complete 1984 CFR set.....	550.00	1984
18, Vol. I, Parts 1-5.....	6.50	July 1, 1983	Microfiche CFR Edition:		
18, Vol. II, Parts 6-19.....	7.00	July 1, 1983	Complete set (one-time mailing).....	155.00	1983
18, Vol. III, Parts 20-52.....	6.50	July 1, 1983	Subscription (mailed as issued).....	200.00	1984
19-100.....	7.00	July 1, 1983	Individual copies.....	2.25	1984
101.....	14.00	July 1, 1983			
102-End.....	6.50	July 1, 1983			

¹ No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1984. The CFR volume issued as of Apr. 1, 1980, should be retained.

² Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).

Code of Federal Regulations

Revised as of July 1, 1984

Quantity	Volume	Price	Amount
_____	Title 29—Labor (Parts 0-99) (Stock No. 022-003-95364-7)	\$14.00	\$ _____
_____	Title 32—National Defense (Part 1000-End) (Stock No. 022-003-95385-0)	6.00	_____
_____	Title 34—Education (Parts 300-399) (Stock No. 022-003-95389-2)	8.50	_____
_____	Title 39—Postal Service (Stock No. 022-003-95397-3)	8.00	_____
		Total Order	\$ _____

A cumulative checklist of CFR issuances appears every Monday in the Federal Register in the Reader Aids

Please do not detach

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

							-	
--	--	--	--	--	--	--	---	--

Order No. _____



Expiration Date

Month/Year

PLEASE PRINT OR TYPE

Quantity	Charges
----------	---------

Enclosed	
To be mailed	
Subscriptions	
Postage	
Foreign handling	
MMOB	
OPNR	
UPNS	
Discount	
Refund	

